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New York Coll.

LAWS
OF THE
STATE OF NEW YORK,


PASSED AT THE

ONE HUNDRED AND TWENTY-FIFTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FIRST, 1902, AND ENDED MARCH
TWENTY-SEVENTH, 1902, IN THE CITY OF ALBANY.

VOL. I.

ALBANY:
J. B. LYON COMPANY, STATE PRINTERS,
1902.

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CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE

OF THE STATE OF NEW YORK,

ALBANY, *June 2, 1902.*

Pursuant to the directions of chapter 682, Laws of 1892, entitled "The Legislative Law," I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOHN T. McDONOUGH,

Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, three-fifths of all the members elected to either House thereof being present, pursuant to section 21 of article 3 of the Constitution of this State, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the Legislature, pursuant to section 15 of article 3 of the Constitution of this State, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the Legislature, pursuant to section 9 of article 1 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See "the Legislative Law," chapter 682, Laws of 1892, as amended by chapter 53, Laws of 1894.]

LIST OF OFFICERS.

"§ 45. Contents of published volumes of session laws - The Secretary of State shall annually cause * * * a statement of the names and residences of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office during each session * * * to be printed and bound. * * * ." *Laws of 1892, Chap. 682, Sec. 45.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

BENJAMIN B. ODELL, Jr. *ALBANY, ALBANY COUNTY.

LIEUTENANT-GOVERNOR.

TIMOTHY L. WOODRUFF. BROOKLYN, KINGS COUNTY.

CLERK OF THE SENATE.

JAMES S. WHIPPLE. SALAMANCA, CATTARAUGUS COUNTY.

SENATORS.

District.	NAME.	County.	Address.
1..	William M. McKinney.....	Suffolk.....	Northport.
2..	William Willets Cocks.....	Nassau.....	Old Westbury.
3..	Thomas H. Cullen.....	Kings.....	Brooklyn.
4..	Arthur J. Audett.....	Kings.....	Brooklyn.
5..	James Henry McCabe.....	Kings.....	Brooklyn.
6..	Rudolph C. Fuller.....	Kings.....	Brooklyn.
7..	Patrick H. McCarren.....	Kings.....	Brooklyn.
8..	Henry Marshall.....	Kings.....	Brooklyn.
9..	Joseph Wagner.....	Kings.....	Brooklyn.
10..	John Francis Ahearn.....	New York.....	New York.
11..	Timothy D. Sullivan.....	New York.....	New York.
12..	Samuel J. Foley.....	New York.....	New York.
13..	Bernard F. Martin.....	New York.....	New York.
14..	Thomas Francis Grady.....	New York.....	New York.
15..	Nathaniel A. Elsberg.....	New York.....	New York.
16..	Patrick F. Trainor.....	New York.....	New York.
17..	George W. Plunkitt.....	New York.....	New York.
18..	Victor J. Dowling.....	New York.....	New York.
19..	Samuel Scott Slater.....	New York.....	New York.
20..	Thomas F. Donnelly.....	New York.....	New York.
21..	Joseph P. Hennessy.....	New York.....	New York.
22..	Isaac N. Mills.....	Westchester.....	Mount Vernon.
23..	Louis F. Goodsell.....	Orange.....	Highland Falls.
24..	Henry S. Ambler.....	Columbia.....	Chatham.
25..	William S. C. Wiley.....	Greene.....	Catskill.
26..	William L. Thornton.....	Sullivan.....	Monticello.
27..	Hobart Krum.....	Schoharie.....	Schoharie.
28..	Edgar Truman Brackett.....	Saratoga.....	Saratoga Springs.

* Official residence.

LIST OF OFFICERS.

SENATORS — (Continued).

District.	NAME.	County.	Address.
29..	James Briggs McEwan.....	Albany.....	Albany.
30..	William D. Barnes.....	Rensselaer... ..	Brainard.
31..	Spencer G. Prime.....	Essex.....	Rochester.
32..	George R. Malby	St. Lawrence.....	Ogdensburgh.
33..	James D. Feeter.....	Herkimer	Little Falls.
34..	Garry A. Willard.....	Oneida.....	Boonville.
35..	Elon R. Brown.....	Jefferson	Watertown.
36..	Horace White.....	Onondaga.	Syracuse.
37..	Nevada N. Stranahan.....	Oswego	Fulton.
38..	George Edward Green.....	Broome	Binghamton.
39..	Benjamin Martin Wilcox	Cayuga	Auburn.
40..	Edwin C. Stewart....	Tompkins	Ithaca.
41..	Franklin D. Sherwood.....	Steuben	Hornellsville.
42..	John Raines.	Ontario	Canandaigua.
43..	Merton E. Lewis.....	Monroe.....	Rochester.
44..	William W. Armstrong	Monroe.....	Rochester.
45..	Timothy E. Ellsworth	Niagara	Lockport.
46..	Lester Hayden Humphrey...	Wyoming	Warsaw.
47..	Henry W. Hill	Erie	Buffalo.
48..	Samuel J. Ramsperger.....	Erie	Buffalo.
49..	George Allen Davis	Erie	Buffalo.
50..	Frank Wayland Higgins.....	Cattaraugus.....	Olean.

Speaker of the Assembly.

HON. S. FREDERICK NIXON Westfield, Chautauqua County.

Clerk of the Assembly.

HON. ARCHIE E. BAXTER... .. Elmira, Chemung County.

MEMBERS OF ASSEMBLY.

District.	NAME.	County.	Address.
1..	William L. Coughtry.....	Albany	Slingerlands.
2..	Abram S. Coon	Albany	Preston Hollow.
3..	Robert J. Higgins ..	Albany	Albany.
4..	Thomas G. Ross	Albany	Watervliet.
	Jesse S. Phillips	Allegany	Andover.
1..	James T. Rogers.....	Broome	Binghamton.
2..	Fred E. Allen	Broome	Whitney's Point.
1..	Myron E. Fisher	Cattaraugus.....	Delevan.
2..	Albert T. Fancher.....	Cattaraugus.....	Salamanca.
1..	Ernest G. Treat	Cayuga	Weedsport.
2..	Charles J. Hewitt.....	Cayuga	Locke.
1..	J. Samuel Fowler.....	Chautauqua.....	Jamestown.
2..	S. Frederick Nixon.....	Chautauqua.....	Westfield.
	Charles H. Knipp.....	Chemung.....	Elmira.
	Jotham P. Allds.....	Chenango.....	Norwich.
	John F. O'Brien.....	Clinton	West Chazy.
	Elbert Payne.....	Columbia.....	Hudson.
	Henry A. Dickinson.....	Cortland	Cortland.
	James R. Cowan.....	Delaware	Hobart
1..	John T. Smith.....	Dutchess	Fishkill-on-Hds'n.

LIST OF OFFICERS.

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MEMBERS OF ASSEMBLY — (Continued).

District.	NAME	County.	Address.
2..	Francis G. Landon.....	Dutchess	Staatsburgh.
1..	John H. Bradley.....	Erie.....	Buffalo.
2..	Edward R. O'Malley.....	Erie.....	Buffalo.
3..	Anthony F. Burke.	Erie.....	Buffalo.
4..	Wm. Schneider.....	Erie.....	Buffalo.
5..	Charles F. Brooks.....	Erie.....	Buffalo.
6..	George Ruehl.....	Erie.....	Buffalo.
7..	John K. Patten.....	Erie.....	Tonawanda.
8..	Elijah Cook.....	Erie.....	Hamburgh.
	James M. Graeff.....	Essex	Westport.
	Halbert D. Stevens.....	Franklin	Malone.
	Clarence W. Smith.	Fulton and Hamilton.	Johnstown.
	S. Percy Hooker.....	Genesee.....	Le Roy.
	William W. Rider.....	Greene.....	Catskill.
	Samuel M. Allston.....	Herkimer.....	Ilion.
1..	Lewis W. Day.....	Jefferson.....	Sacketts Harbor.
2..	James A. Outtersen.....	Jefferson.....	Carthage.
1..	John Hill Morgan.....	Kings.....	Brooklyn.
2..	John McKeown.....	Kings.....	Brooklyn.
3..	James J. McInerney.....	Kings.....	Brooklyn.
4..	Charles H. Cotton.....	Kings.....	Brooklyn.
5..	George Langhorst.....	Kings.....	Brooklyn.
6..	Simon Ash.....	Kings.....	Brooklyn.
7..	Peter J. Lally.....	Kings	Brooklyn.
8..	John C. L. Daly.....	Kings	Brooklyn.
9..	William P. Fitzpatrick.....	Kings	Brooklyn.
10..	John Rainey.....	Kings.....	Brooklyn.
11..	Waldo R. Blackwell.....	Kings.....	Brooklyn.
12..	Howard L. Woody	Kings.....	Brooklyn.
13..	James M. Manee.....	Kings.....	Brooklyn.
14..	John B. Ferre....	Kings.....	Brooklyn.
15..	Harry Howard Dale.....	Kings.....	Brooklyn.
16..	Gustavus C. Weber... ..	Kings.....	Brooklyn.
17..	Harris Wilson	Kings.....	Brooklyn.
18..	Jacob D. Remsen.....	Kings.....	Brooklyn.
19..	John Wolf.....	Kings.....	Brooklyn.
20..	William H. Pendry.....	Kings.....	Brooklyn.
21..	Joseph H. Adams.....	Kings.....	Brooklyn.
	Lewis H. Stiles	Lewis	Glenfield.
	Otto Kelsey.....	Livingston.....	Geneseo.
	Avery M. Hoadley.....	Madison	Earlville.
1..	Martin Davis.....	Monroe	Rochester Junc't'n
2..	George H. Smith.....	Monroe	Rochester.
3..	Richard Gardiner.....	Monroe	Rochester.
4..	Isaac W. Salyerds.....	Monroe.....	Scottsville.
	John W. Candee.....	Montgomery.....	Hagaman.
1..	Thomas F. Baldwin	New York.....	New York.
2..	Joseph P. Bourke	New York.....	New York.
3..	Anthony J. Barrett... ..	New York.....	New York.
4..	William H. Burns.....	New York.....	New York.
5..	Edward R. Finch.....	New York.....	New York.
6..	Harry E. Oxford	New York.	New York.
7..	James E. Duross.....	New York.....	New York.
8..	Chas. S. Adler.....	New York.....	New York.
9..	James A. Allen... ..	New York.....	New York.
10..	John F. McCullough.....	New York.....	New York.
11..	Clarence McAdam.....	New York.....	New York.
12..	Leon Sanders....	New York.....	New York.

MEMBERS OF ASSEMBLY — (Continued).

District.	NAME.	County.	Address.
13..	Richard S. Reilley.....	New York.....	New York.
14..	Henry W. Doll.....	New York.....	New York.
15..	James E. Smith.....	New York.....	New York.
16..	Samuel Prince.....	New York.....	New York.
17..	James J. Fitzgerald.....	New York.....	New York.
18..	George P. Richter.....	New York.....	New York.
19..	Julius H. Seymour.....	New York.....	New York.
20..	John H. Fitzpatrick.....	New York.....	New York.
21..	William S. Bennet.....	New York.....	New York.
22..	William F. Meeks.....	New York.....	New York.
23..	Josiah T. Newcomb.....	New York.....	New York.
24..	Leo. Ph. Ulmann.....	New York.....	New York.
25..	John A. Weekes, Jr.....	New York.....	New York.
26..	Myron Sulzberger.....	New York.....	New York.
27..	Gherardi Davis.....	New York.....	New York.
28..	John T. Dooling.....	New York.....	New York.
29..	Bainbridge Colby.....	New York.....	New York.
30..	Gotthardt A. Litthauer.....	New York.....	New York.
31..	Arthur L. Sherer.....	New York.....	New York.
32..	Matthew F. Neville.....	New York.....	New York.
33..	John J. Egan.....	New York.....	New York.
34..	John J. Scanlon.....	New York.....	New York.
35..	Franklin Grady.....	New York.....	New York.
1..	John T. Darrison.....	Niagara.....	Lockport.
2..	John H. Leggett.....	Niagara.....	Niagara Falls.
1..	Michael J. McQuade.....	Oneida.....	Utica.
2..	Fred J. Brill.....	Oneida.....	Lowell.
3..	Edward M. Marson.....	Oneida.....	Whitesboro.
1..	James F. Williams.....	Onondaga.....	Baldwinsville.
2..	Frederick D. Traub.....	Onondaga.....	Syracuse.
3..	Martin L. Cadin.....	Onondaga.....	Syracuse.
4..	Fred W. Hammond.....	Onondaga.....	Syracuse.
	Jean L. Burnett.....	Ontario.....	Canandaigua.
1..	John Orr.....	Orange.....	Orr's Mills.
2..	Louis Bedell.....	Orange.....	Goshen.
	William W. Phipps.....	Orleans.....	Albion.
1..	Thomas D. Lewis.....	Oswego.....	Fulton.
2..	Thomas M. Costello.....	Oswego.....	Altmar.
	John B. Conkling.....	Otsego.....	Cooperstown.
	John R. Yale.....	Putnam.....	Brewster.
1..	Luke A. Keenan.....	Queens.....	Astoria.
2..	Francis X. Duer.....	Queens.....	College Point.
3..	George W. Doughty.....	Queens and Nassau..	Inwood.
1..	John M. Chambers.....	Rensselaer.....	Troy.
2..	John F. Ahern.....	Rensselaer.....	Troy.
3..	Charles W. Reynolds.....	Rensselaer.....	Petersburg.
	Ferdinand C. Townsend.....	Richmond.....	Clifton, S. I.
	George Dickey.....	Rockland.....	Upper Nyack.
1..	Charles S. Plank.....	St. Lawrence.....	Waddington.
2..	Edward A. Merritt, Jr.....	St. Lawrence.....	Potsdam.
	William K. Mansfield.....	Saratoga.....	Cohoes.
	Andrew J. McMillan.....	Schenectady.....	So. Schenectady.
	George M. Palmer.....	Schoharie.....	Cobleskill.
	Olin T. Nye.....	Schuyler.....	Watkins.
	Daniel W. Moran.....	Seneca.....	Seneca Falls.
1..	Frank C. Platt.....	Steuben.....	Painted Post.
2..	Gordon M. Patchin.....	Steuben.....	Wayland.
1..	Willis A. Reeve.....	Suffolk.....	Patchogue.

LIST OF OFFICERS.

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MEMBERS OF ASSEMBLY — (Concluded).

District.	NAME.	County.	Address.
2..	George A. Robinson	Suffolk.....	Sayville, L. I.
	Edwin R. Dusenbery.....	Sullivan.....	Liberty.
	Edwin S. Hanford	Tioga	Waverly.
	George E. Monroe	Tompkins	Dryden.
1..	Robert A. Snyder	Ulster.....	Saugerties.
2..	Sands Haviland	Ulster.....	Marlboro.
	James L. Fuller	Warren.....	North Creek.
	William H. Hughes	Washington	Granville.
	Frederick W. Griffith.....	Wayne	Palmyra.
1..	John J. Sloane	Westchester	Yonkers.
2..	J. Mayhew Wainwright	Westchester	Rye.
3..	James K. Apgar.....	Westchester	Peekskill.
	Henry J. McNair.....	Wyoming	Arcade.
	Ernest R. Bordwell	Yates	Penn Yan.

LAWS

OF THE

STATE OF NEW YORK.

PASSED AT THE ONE HUNDRED AND TWENTY-FIFTH REGULAR SESSION OF THE LEGISLATURE, BEGUN THE FIRST DAY OF JANUARY, 1902, AND ENDING THE 27TH DAY OF MARCH, 1902, AT THE CITY OF ALBANY.

Chap. 1.

AN ACT to legalize the bonds of union free school district number seven of the town of Guilderland, in the county of Albany, dated November first, nineteen hundred and one, issued for the construction of a new schoolhouse in said district, and to provide for the payment of said bonds and the interest thereon.

Became a law, January 17, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The proceedings of the special district meetings, held pursuant to the provisions of section ten of title eight of the consolidated school law, in union free school district number seven of the town of Guilderland, in the county of Albany, on the fifth day of July, nineteen hundred and one; and the eighteenth day of October, nineteen hundred and one, whereat a majority of the qualified voters of said district present and voting, did authorize the board of education of said district to raise upon the taxable property thereof the sum of fifteen thousand dollars, to be paid in fifteen annual installments of one thousand dollars each on the first day of November in each year from nineteen hundred and four to nineteen hundred and eighteen both inclusive, for the purpose of paying for the construction, heating, ventilation, sanitation and furnishing of a new school building in said district, and the proceedings of the board of education in issuing the bonds of said district in pur-

Proceedings of special district meetings and board of education legalized.

Bonds,
declared
valid.

suance of said vote, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularities in the language of the resolutions directing said sum to be raised and paid or otherwise; and the bonds of said district issued by the board of education thereof in pursuance of such proceedings, amounting to the sum of fifteen thousand dollars, being fifteen in number of the denomination of one thousand dollars each, dated November first, nineteen hundred and one, of which one matures November first, nineteen hundred and four, and one each year on November first for fourteen years thereafter, with interest at the rate of four per centum per annum, payable semi-annually, are hereby declared to be valid and subsisting obligations of said school district.

Taxes, how
levied and
collected.

§ 2. The board of education of said union free school district number seven, in the manner provided in article seven of title seven of the consolidated school law, shall cause such taxes to be levied and collected, as may be necessary to pay the installments and interest of said bonds as they shall become due, until said bonds and the interest thereon are fully paid.

§ 3. This act shall take effect immediately.

Chap. 2.

AN ACT to amend chapter three hundred and twenty-two of the laws of eighteen hundred and ninety, entitled "An act to revise, amend and consolidate the several acts relating to the village of Plattsburgh, and to repeal certain acts and parts of acts," relating to village elections.

Became a law, January 22, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section two of title three of chapter three hundred and twenty-two of the laws of eighteen hundred and ninety, entitled "An act to revise, amend and consolidate the several acts relating to the village of Plattsburgh, and to repeal certain acts and parts of acts," is hereby amended to read as follows:

§ 2. An election of officers of the village to be called the annual village election, shall be held on the first Tuesday of May in each year at a place in said village to be

appointed by the board of trustees, which place shall be at some convenient place to be fixed and provided by the board of trustees, which board shall cause notice thereof to be published at least once in each of the two weeks immediately preceding the election in one or more newspapers published in said village. In case the board of trustees shall neglect to so appoint a place or places and give notice as aforesaid, it shall not invalidate the election, and the election shall be held at the place or places of the last preceding election. Publication of notice.

§ 2. This act shall take effect immediately.

Chap. 3.

AN ACT to amend chapter five hundred thirty-four of the laws of nineteen hundred and one, entitled "An act to amend chapter one hundred eighty-two of the laws of eighteen hundred and ninety-eight, entitled 'An act for the government of cities of the second class.'"

Became a law, January 22, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred thirty-four of the laws of nineteen hundred and one, entitled "An act to amend chapter one hundred eighty-two of the laws of eighteen hundred ninety-eight, entitled 'An act for the government of cities of the second class,' " is hereby amended so as to read as follows: Act amended.

§ 2. This act shall take effect January first, nineteen hundred and two. When act takes effect.

§ 2. Nothing in this act contained, nor in chapter five hundred thirty-four of the laws of nineteen hundred and one, shall be taken or held as granting or conferring any salary to any alderman of any of the cities of the second class, for services as such alderman, for any part of the year nineteen hundred and one; and no action at law or other proceeding shall be had or maintained, or judgment recovered, in any of the courts of this state for or on account of salaries for or on behalf of any such alderman, for services as such, for any part of the year nineteen hundred and one. Action not maintainable.

§ 3. This act shall take effect immediately.

Chap. 4.

AN ACT relating to salaries, fees and emoluments of officials, subordinates and employees of cities of the second class

Became a law, January 22, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No claim shall be paid and no action at law commenced or recovery had, for unpaid salaries, fees or emoluments for the services of any city official, subordinate or employee in any city of the second class, rendered prior to January first, nineteen hundred and two, until the claim therefor shall have been first presented to and passed upon by the board of estimate and apportionment of said city. And no proceeding shall be instituted against said city, or against the board of estimate thereof, on account of such services, salaries, fees or emoluments so rendered prior to January first, nineteen hundred and two, unless the same shall be commenced or instituted within two months after the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 5.

AN ACT to legalize and confirm the acts of the trustees of the village of Corinth in awarding, issuing and delivering forty-four thousand dollars, three and one-half per centum, water bonds of said village, dated August first, nineteen hundred and one, and declaring said bonds to be legal and binding obligations of said village.

Became a law, January 29, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts of
trustees
legalized.

Section 1. The trustees of the village of Corinth, Saratoga county, having, pursuant to the authority conferred by a vote of a majority of the qualified electors of said village at a special meeting or election of said village held September twenty-third, nineteen hundred and one, advertised for sale, in the manner provided by section one hundred and twenty-nine of the general

village law, forty-four thousand dollars water bonds of said village, dated August first, nineteen hundred and one, and certain proposals having been received and rejected and the proposal of J. H. De Ridder to purchase the said bonds for forty-four thousand and fifty dollars and accrued interest having been accepted and the said bonds awarded to him, and the said J. H. De Ridder having paid to said village the amount offered in his said proposal, and the said bonds having been delivered to him, the acts of the said trustees in so awarding, issuing and delivering said bonds are hereby legalized and confirmed and the said bonds are hereby declared to be legal and binding obligations of said village of Corinth.

§ 2. This act shall take effect immediately.

Chap. 6.

AN ACT to provide for the appointment of an assistant district attorney in Saratoga county.

Became a law, January 29, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The present district attorney of Saratoga county and every district attorney of that county hereafter elected or appointed to that office, may appoint a suitable person to be assistant district attorney. Such appointee shall be a counselor-at-law and a resident of the county. Such appointment shall be in writing under the hand of the district attorney, and shall be filed in the office of the clerk of the county. Such appointee, before he enters upon the duties of his office, shall take the oath of office prescribed by the constitution. Such appointment may be revoked by the district attorney making the same, which revocation shall be in writing and shall be filed in said county clerk's office; and unless said appointment be revoked by the district attorney making the same, then said appointment shall be for the term of the district attorney making such appointment.

District attorney may appoint an assistant.

Appointment how revoked.

§ 2. It shall be lawful for every such assistant district attorney to attend all criminal courts of the county and assist in

conducting all prosecutions therein. It shall also be lawful for such assistant district attorney to attend and appear before any grand jury in his county.

Assistant
district
attorney
to act as
counsel to
board of
supervisors.

§ 3. From and after the first day of January, nineteen hundred and three, said assistant district attorney shall act as the attorney and counsel of the board of supervisors of said county of Saratoga, without additional compensation to the salary hereinafter specified, but shall be paid any disbursements incurred by him as such attorney and counsel by the board of supervisors.

Salary.

§ 4. Such assistant district attorney shall receive a salary of six hundred dollars for his services until January first, nineteen hundred and three, and thereafter an annual salary of one thousand dollars, to be paid by the county in the same manner as the salary of other county officers; and if such appointee shall resign or said appointment be revoked before the expiration of any year, or if for any reason said appointee shall have served less than a full year, he shall be paid in like manner one-twelfth of such annual salary for each month of service as such assistant district attorney.

§ 5. This act shall take effect immediately.

Chap. 7.

AN ACT to amend section one of chapter six hundred fifty-three of the laws of nineteen hundred one, entitled "An act for the relief of the towns of Newfane, Wilson and Lewiston, and to enable each of said towns to refund and adjust its indebtedness and to issue bonds therefor," relative to refunding the indebtedness of each of said towns, and issuing bonds therefor.

Became a law, January 29, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter six hundred fifty-three of the laws of nineteen hundred one, entitled "An act for the relief of the towns of Newfane, Wilson and Lewiston, and to enable each of said towns to refund and adjust its indebtedness and to issue bonds therefor," is hereby amended to read as follows:

§ 1. The supervisor, together with the justices of the peace, ^{Authority to issue bonds.} or any three of such officers, of each of the towns of Newfane, Wilson and Lewiston, are hereby authorized to execute under their hands and seals, and to issue new bonds with interest-bearing coupons in the name of such towns, for the purpose of redeeming, taking up and retiring the bonds, or such part thereof as remain unpaid, heretofore issued by the supervisor, together with the justices of the peace, or any three of such officers, of each of said towns of Newfane, Wilson and Lewiston, for the purpose of redeeming, taking up and retiring the bonds formerly issued by the railroad commissioners of each of said towns in aid of the Lake Ontario Shore Railroad Company, or to pay any judgment entered on said bonds and coupons. Such new bonds shall bear interest at ^{Interest, when payable.} a rate not exceeding four per centum per annum, payable annually; shall be made payable not less than one or more than thirty years from their date; shall be exempt from taxation for town, county, municipal or state purposes; and an amount equal to not less than two per centum of the whole amount of such new bonds shall be payable each year after the issue thereof. The principal and interest of such new bonds shall be payable at such place as shall be designated in said new bonds and coupons. Each of said towns shall have the right to call in and pay the whole or any part of said bonds and coupons which shall remain unpaid at the end of twenty years from the date thereof, at any time when the payment of interest is due and payable. Said new bonds may be issued to the holders of said old bonds or coupons or the owner of any judgment recovered thereon in sufficient amount to take up the old bonds and due and past due coupons and judgments recovered thereon, owned by them respectively; or in the discretion of said supervisors and justices, respectively, they may sell said new bonds at a price not less than par, and with the proceeds thereof take ^{Application of proceeds} up said old bonds and due and past due coupons and judgments recovered thereon; but no greater amount of such bonds shall be issued than is sufficient to take up and retire said old bonds and coupons, including judgments thereon which have been recovered against said towns, respectively, and they shall be used for no other purpose. Before said supervisor and justices, or any of them, of said towns, respectively, shall issue

Bond with
sureties
required.

Authority
to adjust.

any such bonds they shall give to such town a bond with sureties who shall justify in at least twenty-five thousand dollars, said bond to be approved by the county judge of Niagara county and conditioned for the faithful discharge of their duties and the use and application of such bonds as herein required, which said bond when given shall be filed with the county clerk of Niagara county. The supervisor and justices of each of said towns, respectively, are hereby authorized to settle and adjust said indebtedness, and nothing herein shall be construed as compelling them to issue such bonds until a satisfactory adjustment is made.

§ 2. This act shall take effect immediately.

Chap. 8.

AN ACT to make the office of sheriff of Schuyler county a salaried office, except as to fees in civil causes and proceedings, and to regulate the management of said office.

Became a law, January 29, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensa-
tion of
sheriff.

Section 1. After the expiration of the term of office of the present sheriff of the county of Schuyler, the sheriff of that county shall receive as compensation for his services hereinafter enumerated, an annual salary, not exceeding one thousand two hundred dollars, which shall be fixed by the board of supervisors of said county, at least three months prior to the election of such sheriff, and shall not be increased or diminished during the term for which any sheriff shall be elected.

§ 2. The salary so fixed by the board of supervisors shall constitute the whole compensation which shall be allowed or paid to or received by said sheriff for all official services which may be performed by him as sheriff in his attendance upon any and all courts of record held in the county of Schuyler, and for all services performed by him for the United States of America, the state of New York, or the county of Schuyler, or chargeable thereto, or which he is or shall be required or authorized by law to perform therefor by virtue of his said office as sheriff; and

no compensation, payment or allowance shall be made to him for his own use for any such services except the salary aforesaid. The said sheriff shall be permitted to occupy free of rent or charge, that part of the jail building together with all out-buildings erected for the sheriff's residence in the village of Watkins, in said county.

§ 3. All fees, emoluments and perquisites which said sheriff shall charge or receive or which he shall be legally authorized, required or entitled to charge or receive for conveying prisoners to state institutions, and for all other services for the United States of America, or the state of New York, for which fees are paid, including the moneys he may receive for the board, custody or care of United States prisoners, shall belong to the county of Schuyler; and it shall be the duty of said sheriff to exact, collect and receive for said county the full amount allowed by law of all such moneys, fees, emoluments and perquisites. Fees shall belong to county.

§ 4. Such sheriff shall keep in his office, in a proper book or books, to be provided for that purpose, an exact and true account of all official services performed by him as sheriff, and all fees, moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law. Such book or books shall show when and for whom every such service shall have been performed, its nature, and the fees chargeable therefor, and at all times, during office hours, shall be open to the inspection of all persons. Books to be kept.

§ 5. Such sheriff shall transmit to the treasurer of said county at the expiration of each calendar month or within five days thereafter, a verified statement of all moneys received by him for fees, perquisites and emoluments for all the services named in section two of this act, rendered by him in his official capacity aforesaid. The verification of such statement shall be by the affidavit of such sheriff that said statement is in all respects full and true, as herein required, and shall be positive, and not upon information and belief, and at the same time said sheriff shall pay over to the treasurer of the county of Schuyler, for the benefit of said county, all of the moneys so received by him. Verified monthly statement to be transmitted to county treasurer.

§ 6. Every sheriff elected or appointed in said county shall before entering upon the duties of said office, execute to the people of this state and file in the office of the county clerk of said county a bond in the penal sum of not less than five thou- Official bond.

sand dollars and with such sureties as shall be fixed and prescribed by the board of supervisors of said county. Such bond shall be conditioned that such sheriff shall well and faithfully discharge all duties of his office and all trusts reposed in him by law or by virtue of his office, and shall safely keep and pay over to such county treasurer as herein provided, all moneys which shall come into his hands. Said bond shall be approved as to form and sufficiency of sureties by the board of supervisors if in session, and if not in session, by the county judge of said county; and if any such sheriff shall neglect for thirty days to execute or file any such bond according to the provisions of this act his office shall thereupon become vacant. Such bond shall be filed and recorded in the office of the clerk of said county.

§ 7. The jail of the county shall be kept by the sheriff, with the assistance of his under-sheriff, as now required by law, and no tramps or vagrants shall be received therein, and therein fed, lodged or cared for, until due and legal commitment by the proper authorities. All furniture, implements, material, food and supplies of whatever nature necessary for the custody and maintenance of the prisoners detained in said jail, shall be provided by said sheriff, and his actual and necessary expenses in providing for the same shall be a county charge and be paid by the county as follows: The sheriff shall keep a correct and itemized account of such expenses, in a book or books provided for that purpose, at the expense of said county. Each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid, and for what or the purpose for which it was paid. The sheriff shall also obtain a voucher for each item incurred by him, so far as practicable, and if such item exceed the sum of five dollars, it shall be duly verified as to its correctness, and the payment thereof, by the affidavit of the person furnishing the same. At the end of each calendar month or within five days thereafter, the sheriff shall present to the chairman of the board of supervisors of said county, or a member thereof designated by said board for that purpose, a written verified statement in detail of all the items of said expenses for such month. The chairman of said board of supervisors, or the member thereof designated by said board for that purpose, shall forthwith examine such statement, and within five days after receiving the same, attach his certificate thereto,

Account of
expenses,
how kept.

Vouchers.

certifying what amount thereof he finds correct, and return said statement with his certificate thereto attached, to said sheriff. The sheriff shall thereupon present the same to the treasurer of said county, who shall forthwith pay to said sheriff the amount certified, by said chairman or member of the board of supervisors designated for that purpose, to be correct. The verification of such statement shall be by the affidavit of the sheriff that said statement is in all respects just and true and shall be positive, and not on information and belief. In case any part of said account of said sheriff is not certified by said chairman, or member of the board designated for that purpose, to be correct, the same may be presented by said sheriff to the board of supervisors of said county, for audit, and the amount allowed therefor shall be paid the same as any other county charge.

§ 8. The board of supervisors of said county shall designate the number of employees, and the sheriff shall appoint the jailer, turnkey and janitor for any public buildings placed in his charge by resolution of said board of supervisors, and other assistants necessarily employed at the jail of said county for the care and control of the prisoners detained therein. Said sheriff shall be responsible for their official acts, the compensation of said employees shall be fixed by the board of supervisors, and paid monthly by the county treasurer in the same manner as other county officers are paid.

Employees,
how ap-
pointed.

Compensa-
tion of
employees.

§ 9. In addition to the salary specified in section one of this act, the said sheriff is authorized and entitled to receive the fees now allowed to sheriffs in civil causes or proceedings and paid by litigants or individuals, as and for his compensation for services and disbursements rendered therein and his liabilities thereunder and for the services of the undersheriff and other employees in his office in such causes and proceedings.

Additional
fees autho-
rized.

§ 10. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties designated in section two of this act and in performing any service for which the county receives, or is entitled to receive, the fees therefor under this act, which said disbursements shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed.

Disburse-
ments
allowed.

§ 11. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 12. This act shall take effect immediately.

Chap. 9.

AN ACT to amend the general corporation law in relation to corporate names.

Became a law, January 30, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section six of chapter five hundred and sixty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to corporations constituting chapter thirty-five of the general laws," as amended by chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, chapter six hundred and seventy-two of the laws of eighteen hundred and ninety-five and chapter seven hundred and four of the laws of nineteen hundred, is hereby amended to read as follows:

§ 6. Corporate names.—No certificate of incorporation of a proposed corporation having the same name as a corporation authorized to do business under the laws of this state, or a name so nearly resembling it as to be calculated to deceive, shall be filed or recorded in any office for the purpose of effecting its incorporation, or of authorizing it to do business in this state. A corporation formed by the reincorporation, reorganization or consolidation of other corporations or upon the sale of the property or franchises of a corporation, may have the same name as the corporation or one of the corporations to whose franchises it has succeeded. No corporation shall be hereafter organized under the laws of this state, with the word trust, bank, banking, insurance, assurance, indemnity, guarantee, guaranty, savings, investment, loan or benefit as part of its name, except a corporation formed under the banking law or the insurance law.

§ 2. This act shall take effect immediately.

Chap. 10.

AN ACT to provide for the holding of town meetings and elections in counties of the state having a certain population.

Became a law, February 4, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The next town meeting at which town officers shall be elected in any county of the state having a population of over four hundred thousand inhabitants and less than six hundred thousand inhabitants, according to the last federal enumeration, shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred and three and biennially thereafter, at the same places as general elections in such towns are held. No person shall be entitled to vote at any such town meeting or election unless he is registered and entitled to vote at the general election held at the same time that such town meeting is held. All elective town officers shall be elected at such general election in the same manner and on the same ballot as other officers who may be elected thereat. Certificates of nomination of candidates for a town office in any such towns shall be in duplicate, one of which shall be filed with the town clerk of the town, and the other with the clerk of the county wherein such town is located, and if nominated by a political party, at least twenty days and not more than thirty days before such town meeting and election is held, or, if independent nominations, at least fifteen days and not more than thirty days prior thereto. The ballots prepared by the county clerk shall include the names of all candidates nominated for town officers in any such towns. The county clerk shall apportion to and charge the several towns in any of such counties with their respective proportionate shares of the expenses of the preparation and distribution of such ballots.

Town meeting, date of.

Certificate of nomination, where filed.

Ballots, expense of, how apportioned.

§ 2. Ballots for the submission of questions or propositions relating to town affairs shall be prepared and furnished at the expense of the town by the clerk thereof, as provided in the election law. Such ballots shall be distributed by the town clerk at the same time and in the same manner as are other

Ballots, distribution of.

ballots to be voted at a general election. An additional ballot box shall be provided, marked "box for town propositions," in which shall be deposited the ballots cast on town propositions or questions.

Canvass of
votes.

Inspectors
of election,
duties of.

§ 3. At the close of the polls at any such biennial town meeting and election in any such town the inspectors of election shall proceed to canvass the votes for the candidates for the several town offices, and for and against all town propositions duly submitted to the voters of such town in the election districts where such meeting and election was held, in the same manner as the votes for other candidates and propositions cast at the general election are canvassed. The inspectors of election shall perform the same duties with respect to the canvass of the vote and the filing of the returns thereof for such town officers, and all other matters pertaining to the determination of the result of the election as is now provided by law, with respect to the canvass of the votes cast at a general election. All provisions of law relating to the canvass of votes cast at a general election by the county board of canvassers, to the correction of clerical errors, the review of the determination by such board of canvassers, and all other matters pertaining to the canvass of the votes cast at a general election, shall be applicable to the canvass of all votes for such town officers and propositions. The county clerk of any such county shall transmit to the clerk of each town therein a certified copy of the determination of the county board of canvassers as to the election of each town officer and proposition voted for at the town meeting and election held in such town. The county clerk of any such county shall transmit to each person declared by the board of canvassers thereof to be elected to a town office therein, a certificate of the determination of such board. No list of nominations of candidates for town officers to be filled at any such biennial town meeting and election, or the result of the official canvass of the vote cast thereat, shall be required to be published. All the provisions of the election law not inconsistent with the provisions of this act shall apply to and govern town meetings and elections held as provided herein.

County
clerk to
transmit
certificates
of election.

§ 4. There shall be elected at the town meeting and election to be held in each town in any such county on the first Tuesday after the first Monday of November, in the year nineteen hun-

dred and three, and biennially thereafter, one supervisor, one town clerk, three assessors, one or three commissioners of highways, one collector, one or two overseers of the poor and not more than five constables. The persons first elected to the various offices above mentioned shall enter upon the discharge of their duties at the expiration of the term of their predecessors, and serve until and including December thirty-first, nineteen hundred and five. Their successors shall be elected at the biennial election and town meeting held in nineteen hundred and five and biennially thereafter, for the term of two years commencing on the first day of January, succeeding their election. There shall also be elected at such town meeting and election and biennially thereafter, two justices of the peace for terms of four years, beginning on the succeeding first day of January. The collectors elected at such town meetings and elections shall enter upon the discharge of their duties after their predecessors have completed the duties of their offices, in respect to the collection of taxes and returns thereof, as now prescribed by law.

Town
officers to
be elected.

Term of
office.

§ 5. Nothing in this act shall be deemed to supersede or repeal any provision of chapter eight hundred and sixteen of the laws of eighteen hundred and ninety-five or chapter six hundred and sixty-three of the laws of nineteen hundred and one or any amendments to either of such laws.

§ 6. This act shall take effect immediately.

Chap. 11.

AN ACT to legalize the action of a special school meeting in union free school district number eleven, town of Richmondville, county of Schoharie, in designating a site for a schoolhouse in said district and to legalize the issuance and sale of bonds by the board of education of said district.

Became a law, February 4, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The action of the special school meeting of union free school district number eleven, town of Richmondville,

Action of
special
school
meeting
legalized.

county of Schoharie, held on the seventh day of June, nineteen hundred and one, in designating a site for a schoolhouse in said district, and the action of the board of education of the said union free school district number eleven, town of Richmondville, county of Schoharie, in the issuance and sale of bonds to the amount of eleven thousand dollars for the purchase of a site and the erection of a school building thereon and all proceedings of the school district meetings of said district in relation thereto, are hereby ratified, confirmed and legalized.

§ 2. This act shall take effect immediately.

Chap. 12.

AN ACT to provide for the compensation and expenses for the legislative session of nineteen hundred and two, of persons appointed to draft, examine and revise bills.

Became a law, February 4, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of four thousand three hundred and seventy-two dollars and forty-two cents, being the balance unexpended of an appropriation made by chapter four hundred and nineteen of the laws of nineteen hundred, for the statutory revision commission, is hereby reappropriated, and the additional sum of six hundred and twenty-seven dollars and fifty-eight cents is hereby appropriated, or so much thereof as may be necessary, for the compensation and expenses during the legislative session of nineteen hundred and two, of persons appointed under section twenty-three of the legislative law, to draft, examine and revise bills. Such compensation and expenses shall be paid by the treasurer on the warrant of the comptroller, on the order of the temporary president of the senate and the speaker of the assembly.

§ 2. This act shall take effect immediately.

Chap. 13.

AN ACT providing for the payment of the balance due newspapers for the publication of the general laws of the state for the year nineteen hundred and one, and for deficiency in appropriation for the publication of the session laws and the official canvass and official notices provided by law.

Became a law, February 4, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of forty-one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller, for the payment of the balance due newspapers in the various counties in this state for the publication of the general laws of the state for the year nineteen hundred and one, and the further sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for deficiency in appropriation for the publication of the session laws and the official canvass and official notices provided by law, which are subject to contract.

§ 2. This act shall take effect immediately.

Chap. 14.

AN ACT to authorize the board of education of the union free school of the village of Saratoga Springs to borrow money on notes to be issued by said board, for the purpose of defraying the expense incurred in erecting a new school house in said village.

Became a law, February 6, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of education of the Union free school of the village of Saratoga Springs, is hereby authorized to borrow the sum of thirty thousand dollars, and to give its obligations

Board of
education
authorized
to borrow
money.

Payment
of notes.

therefor, bearing interest at the rate of not to exceed four per centum per annum, payable semi-annually, which notes shall be payable at such time or times, within ten years from their date, and at such place or places, as the said board of education shall direct, and shall be signed by the president and secretary of said board, and sealed with the seal of said board.

Application
of moneys
borrowed.

§ 2. The moneys thus borrowed shall be used solely in defraying expense already incurred, and to be incurred, in the erection of a new schoolhouse, known as "School No. 2" in said village, and shall be deposited with the receiver of taxes of said village and paid out in the same manner as are other funds of said board.

§ 3. This act shall take effect immediately.

Chap. 15.

AN ACT to release to John H. Gibbons, all the right, title and interest of the people of the state in and to a lot of land whereof Charles H. Schild died seized.

Became a law, February 7, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the right, title and interest of the people of the state of New York, of, in and to a lot of land in "The Greenwood Cemetery," situate in the borough, formerly city, of Brooklyn, county of Kings, in the state of New York, whereof Charles H. Schild died seized and possessed, which lot is delineated and laid down on the register, map or plan of the said cemetery and is thereon designated by the number thirty thousand seven hundred and fifty-four, is hereby released to John H. Gibbons of said county of Kings, stepson of said Charles H. Schild, and to the heirs and assigns of said John H. Gibbons.

§ 2. This act shall take effect immediately.

Chap. 16.

AN ACT to amend chapter fifty-one of the laws of eighteen hundred and eighty-two, entitled "An act in relation to the supreme court library, located at Delhi," relative to the salary of the librarian.

Became a law, February 7, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter fifty-one of the laws of eighteen hundred and eighty-two, entitled "An act in relation to the supreme court library, located at Delhi" is hereby amended to read as follows: Act amended.

§ 3. The salary of such librarian shall be four hundred dollars per annum, and shall be paid in quarterly payments of one hundred dollars each, on the last day of each of the months of March, June, September and December of each year, by the county treasurer of the county of Delaware, from the funds in his hands as such treasurer. Salary of librarian

§ 2. This act shall take effect immediately.

Chap. 17.

AN ACT to legalize the special election held in the village of Frankfort for the purpose of determining as to the establishment of a system for supplying the village and its inhabitants with electric light.

Became a law, February 7, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special election held by and in the village of Frankfort on the eighteenth day of May, nineteen hundred and one, at which time was submitted a proposition for the bonding of said village to an amount not exceeding eighteen thousand dollars for the purpose of building, erecting, constructing and maintaining a municipal electric lighting system to be owned

Special
election
legalized.

by such village to be used for the purpose of supplying such village and its inhabitants with arc and incandescent lights shall be deemed to have been held on sufficient notice and in accordance with the statutes in such cases made and provided, and such special election is hereby confirmed and legalized and any bonds issued for such purpose, not exceeding in amount said sum of eighteen thousand dollars, shall be as binding on such village as if such special election had been held in accordance with the statute in such case made and provided.

§ 2. This act shall take effect immediately.

Chap. 18.

AN ACT to amend chapter four hundred and sixteen of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the city court of Yonkers" and the several acts amendatory thereof and supplemental thereto.

Accepted by the city.

Became a law, February 7, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of title three of chapter four hundred and sixteen of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the city court of Yonkers" passed April eighteen, eighteen hundred and ninety-three, as amended by chapter four hundred and eighty-seven of the laws of nineteen hundred, is hereby amended, so as to read as follows:

Clerk of city
court, how
appointed.

§ 1. The clerk of the city court shall be appointed by the city judge, by his appointment in writing to be filed with the city clerk, and shall hold his office during the pleasure of the city judge. He shall receive such salary as the common council of the city of Yonkers shall determine, not exceeding the sum of one thousand five hundred dollars per annum, to be paid monthly by the city of Yonkers.

Salary.

§ 2. This act shall take effect immediately.

Chap. 19.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to the department of parks.

Accepted by the city.

Became a law, February 7, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and eight of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended to read as follows: Act amended.

§ 308. There shall be a department of parks, of which the board of park commissioners shall be the head. It shall consist of five members, who shall be appointed by the mayor, who shall also be a member of said board, ex officio. The name and style of said board shall be "the park commissioners." Department of parks created.
The terms of office of the park commissioners in office at the time the amendment to this section takes effect shall cease and terminate upon the appointment of the board of park commissioners pursuant to the provisions of the section as amended, and such existing board shall turn over to the board appointed pursuant to this section as amended all the books, papers, records, money and property in its possession or under its control as such board of park commissioners. Terms of office of existing commissioners to cease. Within ten days from the time this act takes effect, the mayor shall appoint five park commissioners, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and every year thereafter, upon the expiration of the term of office of a member of such board, the mayor shall appoint a park commissioner for a full term of five years. Park commissioners, appointment and term of. Should a vacancy occur in said board by reason of death, resignation, or otherwise, except the expiration of term of office the mayor shall appoint a person to fill such vacancy whose term of office shall expire at the end of the term of the one whose vacancy he is appointed to fill. Vacancy, how filled.

§ 2. This act shall take effect immediately.

Chap. 20.

AN ACT to authorize and empower union free school, district number one, of the towns of Ghent and Chatham, county of Columbia, New York, to build, establish and maintain a public library, to acquire, hold and dispose of real and personal property for such purpose, to use and employ any real estate now owned by it as a site for the erection of a library building, and to authorize the board of education of said district to accept gifts, grants, devises and bequests and to enter into agreements in regard to the care and maintenance of a public library within said district.

Became a law, February 7, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to establish
public
library.

Section 1. Union free school district number one of the towns of Ghent and Chatham, county of Columbia, New York, shall have power in its corporate name to acquire by gift, grant, purchase, devise or bequest and to hold and dispose of such property, real and personal, as shall be necessary for the establishment and maintenance of a public library within said district and to use and employ any real estate now owned by it for a site for the erection of a library building.

Authority
to enter
into agree-
ment.

§ 2. The board of education of said district is hereby authorized to enter into any agreement in regard to the erection, care and maintenance of a public library within said district that it may deem necessary and expedient, to and with any person or persons who may agree to furnish the necessary money for erecting a public library building on the lands now owned by said district or hereafter to be acquired by said district for such purpose; and in each year after making such agreement there shall be included in the annual tax levy of said district the amount necessary to carry out the terms of any agreement so entered into by said board of education.

Approval of
agreement.

§ 3. The board of education of said district shall not enter into any agreement as herein provided until after such agreement shall have been approved by a vote of a majority of the legal voters of said district present and voting, at an annual

school meeting held in and for said district, or at a special school meeting duly called for that purpose.

§ 4. In the event that an agreement is authorized and a library building is erected in pursuance thereof, said board of education is hereby authorized to transfer to the said building all books, pamphlets, papers, documents and other personal property now constituting the library of said district; and thereafter said library shall be and be maintained as a free public library, under such regulations as the board of education may, from time to time, adopt and provide, and shall be under the control, management and direction of the board of education of the said district as a part or department of the school of said district, and shall be entitled to receive all benefits from the state now or hereafter provided by the consolidated school law and the university law for and in aid of public libraries and school libraries.

Library to
be under
control of
board of
education

§ 5. This act shall take effect immediately.

Chap. 21.

AN ACT in relation to the composition of the board of trustees of the New York public library, Astor, Lenox and Tilden foundations.

Accepted by the city.

Became a law, February 7, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The number of the trustees of the New York public library, Astor, Lenox and Tilden foundations, is hereby increased from twenty-one to twenty-five. Eleven trustees shall continue to constitute a quorum for the dispatch of any business.

Trustees
increased.

§ 2. The mayor of the city of New York ex-officio, the comptroller of the city of New York ex-officio, and the president of the board of aldermen of the city of New York ex-officio, shall at all times hereafter, by virtue of their respective offices, be members of the said board of trustees.

§ 3. The other twenty-two members of the board of trustees of the said corporation shall be elected in such manner and for

Election of
trustees.

such terms of office as the by-laws of the said corporation may from time to time provide.

§ 4. This act shall take effect immediately.

Chap. 22.

AN ACT making the office of treasurer of Broome county a salaried office and regulating the management thereof.

Became a law, February 13, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County
treasurer,
compensa-
tion of.

Section 1. The county treasurer of the county of Broome next elected or thereafter to be elected or appointed shall receive annually as compensation for his services and for the services of his deputy and all persons whom it may be necessary for him to employ to properly perform the duties of such office, and all work, labor and duties appertaining thereto, the sum of twenty-five hundred dollars, payable quarterly by said county treasurer. Such compensation shall not be increased or diminished during the term of office of any incumbent of said office hereafter elected or appointed.

Deputy
treasurer,
power of.

§ 2. The said county treasurer of Broome county is hereby authorized to appoint a person to be and to act as deputy treasurer of said county to act during the pleasure of said county treasurer, and to have and possess in the absence of said treasurer all the power possessed by him except that of signing bonds or certificates of indebtedness. The said treasurer shall be responsible for the acts of said deputy. Such appointments shall be in writing and filed in the office of the clerk of Broome county. Any default or malfeasance in office of such deputy treasurer or of any employee of said treasurer shall be deemed to be a breach of the condition of the bond or undertaking given or to be given by such treasurer according to law.

§ 3. It shall be the duty of said treasurer to perform all the services which he shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county, for towns, corporations and for indi-

viduals, and no compensation, payment or allowance shall be made to him or said deputy treasurer or to any person whom he has entrusted with the performance of any duty connected with said office or appointed to any position of trust or profit thereunder or to any other persons for his or their own use for any such services except the compensation named in this act.

§ 4. All the fees, emoluments and perquisites which such county treasurer shall charge, retain or otherwise receive or which he shall lawfully be authorized, required or entitled to charge, retain or otherwise receive shall belong to the county of Broome. It shall be his duty to exact, retain, collect and otherwise receive the full amount allowed by law for all such fees, emoluments and perquisites for said county, and such treasurer shall require payment in advance for all services rendered by him or by his deputy or other employee of said office in his or their official capacity by virtue of any law of this state or by any order of court or by order of the board of supervisors of said county for any duty which may hereafter by law devolve upon him which is not a county charge.

Fees, shall
belong to
county.

§ 5. In the proper book or books to be prepared by and at the expense of the said county of Broome such treasurer shall keep an exact and true account of all official services performed by him or his deputy or any other person employed in an official capacity by said treasurer and of all moneys, fees, perquisites and emoluments received or charged by him or them pursuant to law, one of which books shall show therein the itemized and total receipts and disbursements for each day. Such book or books shall be deemed a part of the records of such office and shall at all times during office hours be open to inspection without charge therefor to all persons desiring to examine the same.

Books to
be kept.

§ 6. Such treasurer shall make a true statement for each month of all moneys received each day by him or by his deputy or other employees for fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the clerk of the board of supervisors of said county within five days from the expiration of such month. Such statement shall be properly itemized, which items shall name the person paying, the total amount of proceeds for which the services are rendered or other available data. Such statement shall show the

Monthly
statement

total receipts for such month and shall have attached thereto the affidavit of said treasurer in effect that the same is in all respects a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein required. A summary of such monthly reports shall also be prepared by the treasurer and presented to the board of supervisors on or before the first day of its annual meeting.

§ 7. At the time of the receipt by said treasurer of any of the fees, emoluments and perquisites aforesaid he shall credit the same to the general fund of said county of Broome.

§ 8. Every treasurer hereafter elected or appointed in said county shall before entering upon the duties of said office execute and deliver an undertaking in the form and manner provided by the county law, except that a surety or guarantee corporation may be accepted as surety. In case said treasurer gives such undertaking with a surety or guarantee corporation as surety, the cost of such undertaking shall be a county charge. Said treasurer may require an undertaking of each person appointed or employed by him in any official capacity for the faithful performance of the duties of such person and for the accounting for any moneys which may come into his hands by virtue of such office or employment, and the county of Broome shall in no particular be held responsible for any official act of said treasurer or any of his appointees.

§ 9. Any officer referred to in this act or any appointee of such treasurer who shall receive for his own use, or neglect to account for all moneys, fees, perquisites or emoluments by this act authorized to be received or intended to belong to and be for the benefit of Broome county, or any treasurer who neglects to render to the clerk of the board of supervisors of said county such monthly statement and such summary to the board of supervisors, containing therein an account of all fees, perquisites or emoluments received, or to credit the same as therein required, shall be deemed guilty of a felony and upon conviction thereof shall forfeit his office or appointment, and shall be punished by fine of not less than one thousand dollars and not more than ten thousand dollars, and imprisonment for not more than ten years, and shall be liable to such county in a civil action for all moneys so received and not accounted for.

§ 10. The said treasurer and his deputy and employees shall be entitled to use and occupy without charge or expense, any rooms in the Broome county court house that shall be set apart for that purpose by the board of supervisors of said county.

§ 11. All acts or parts of acts inconsistent with this act in so far as the same relates to Broome county are hereby repealed.

§ 12. This act shall take effect immediately.

Chap. 23.

AN ACT to amend section forty-six of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to eligibility to the office of city treasurer.

Accepted by the city.

Became a law, February 13, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-six of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended to read as follows: Charter;
amended

§ 46. No person shall be eligible to any city office unless he be an elector of the city, except as hereafter expressly provided. Treasurers shall be ineligible for reelection for the next term after the termination of their offices.

§ 2. This act shall take effect immediately.

Chap. 24.

AN ACT to repeal chapter six hundred and nineteen of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the improvement of the Salmon river, and a branch of the same known as the Mad river, in the counties of Oswego, Lewis and Jefferson and to make an appropriation therefor."

Became a law, February 14, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
repealed.

Section 1. Chapter six hundred and nineteen of the laws of eighteen hundred and eighty-one, entitled "An act to provide for the improvement of the Salmon river and a branch of the same known as Mad river, in the counties of Oswego, Lewis and Jefferson and to make appropriation therefor" is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 25.

AN ACT to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three entitled "An act to amend, consolidate and revise the charter of the village of Peekskill, and the several acts amendatory thereof," relative to village taxes.

Became a law, February 18, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section two of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill, and the several acts amendatory thereof," as amended by chapter one hundred and eighty of the laws of eighteen hundred and eighty-eight and chapter four hundred and eighty-five of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 2. The board of trustees are authorized and empowered to raise money by tax, in the manner as herein provided, to pay all contingent and actual expenses of the corporation, and also to carry into effect the several powers and privileges granted by this act; but no such tax, except the tax for street expenses and damages occasioned or assessed by or for laying out or opening streets, alleys or highways, or altering or widening the same, or the expenses incurred in proceedings to lay out or open streets, alleys or highways, and except also all sewer expenses, shall be levied or collected until the same shall have been authorized by a vote of the taxable inhabitants of the corporation, at their annual election of officers, or at a meeting called by the board of trustees, for the purpose of authorizing the assessment and collection of taxes. Before any tax for contingent or stated expense of the corporation can be voted for at any such meeting a notice must be published, by order of the board of trustees and signed by the president and clerk, for at least two weeks before such meeting, in all the newspapers published weekly in said village, stating that the meeting will be called upon to vote for a contingent or stated tax, specifying the object or objects, stating the sum proposed to be raised for each object, and an estimate by items of the cost of each proposed object, and submitting one or more resolutions substantially in the following form: "Resolved, That the sum of _____ dollars be raised by tax for the purpose of" (stating concisely the purpose of raising the proposed tax); if more than one resolution be proposed, they shall be numbered. The vote thereon shall be taken by ballot, which shall have in the inside the words, "For the resolution" or "Against the resolution," and deposited in a separate box, to be labeled "Village tax"; and when more than one resolution is submitted, the vote shall have the words "For the first resolution" or "Against the first resolution," and so as to each resolution submitted. No contingent or stated expense, except the expense denominated street expenses, and the damages occasioned or assessed by or for laying out, opening or widening streets, alleys or highways, and the expenses attending the same, and any sewer expense and except also any sum required to be raised by law, or which is made by law a charge against said village, which is not thus presented and voted upon, shall be collected; and no item thus voted, or any part thereof,

Board of
trustees,
authority
of.

Publication
of notice.

Resolu-
tions.

Taxes,
amount of,
to be
raised.

shall be used for any other purpose than the specific purpose for which it was voted, and any surplus thereof unexpended for that specific purpose shall be and remain in the treasury, and be accounted for and reported by the board of trustees; but its purpose and object may be changed to any other object by a subsequent resolution of another meeting, submitted by the board of trustees, and adopted, after due notice, in the same manner as herein provided for the resolution directing such tax, when such change can be made without violating a contract. The vote on such resolution shall be taken by ballot, having on the inside the words, "For the resolution," or "Against the resolution"; but the amount of taxes to be raised by the board of trustees in any one year over and above what are herein denominated street expenses, and what are required for opening new streets or alleys, extending or widening streets, and for sewerage expense and to pay bonded indebtedness, or fixed charges, shall not exceed twenty-five thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 26.

AN ACT to amend the insanity law, relating to the management of state hospitals, abolishing the boards of managers and creating boards of visitation, therefor, and extending the powers and duties of the state commission in lunacy.

Became a law, February 18, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Article one of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the insane, constituting chapter twenty-eight of the general laws," is hereby amended by inserting therein a new section to be known as section six-a and to read as follows:

§ 6-a. General powers as to state hospitals.—The commission shall:

1. Have the general management, direction and control of the state hospitals, and of all the property and concerns thereof, and shall see that their design is carried into effect according to law and the rules and regulations adopted therefor.

2. Establish and modify rules and regulations regulating the appointment and duties of officers and employees of each of the state hospitals and the internal discipline and management thereof; but until new rules and regulations are established, the by-laws, rules and regulations established by the boards of managers shall continue in force. Such rules and regulations shall not conflict with the rules of the state civil service commission in relation to officers and employees of the state hospitals. Such rules and regulations, or any modifications thereof, shall take effect when approved by the governor.

3. Maintain an effective supervision and inspection of each of the state hospitals.

4. Acquire and hold in the name of and for the people of the state of New York, by grant, gift, devise or bequest, property to be applied to the maintenance of insane persons in and for the general use of a hospital. Any grant, gift, devise or bequest heretofore made for such purpose to the managers of a state hospital, shall be administered by the state commission in lunacy, in accordance with the terms thereof.

5. Transfer, if it deems advisable and subject to the approval of the governor, any of the powers and duties of the superintendent to another officer to be appointed by it. Such officer shall be deemed a resident officer of the hospital for which he is appointed.

§ 2. Section nine of such chapter as amended by chapter three hundred and eighty of the laws of nineteen hundred is hereby amended to read as follows:

§ 9. Annual report.—The commission shall, annually, report to the legislature its acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the management of the institutions for the insane as it may deem necessary for the information of the legislature, including estimates of the amounts required for the use of the state hospitals and the reasons therefor; and also the annual reports made to the commission by the superintendent of each state hospital and by the state charities aid association. The commission shall determine from time to time the capacity of each of the state hospitals and shall incorporate a statement of such capacity in its annual report to the legislature.

§ 3. Section ten of such chapter as amended by chapter six hundred and thirty-four of the laws of nineteen hundred, is hereby amended to read as follows:

§ 10. State hospital districts; how defined.—The state commission in lunacy shall divide the state into as many state hospital districts as there are state hospitals. No county shall be divided in such classification, unless more than one of the existing state hospitals be situated within such county. Whenever the commission shall deem it necessary to more conveniently care for the insane in the various hospitals, it may change the limits of such hospital districts. When a new state hospital shall be established they shall again divide the state into hospital districts. Such hospital districts shall be so defined that the number of patients in each district shall be in proportion, as nearly as practicable, to the accommodations which are or may be provided by the state hospital or hospitals within such district. The hospital districts in which the Long Island state hospital and the Manhattan state hospital are located may be subdivided to provide for the commitment of patients to each of the parts of such hospitals, established by section thirty-six of this chapter.

§ 4. Section eleven of such chapter is hereby amended to read as follows:

§ 11. Change of hospital districts and reassignment of patients.—When a change or re-establishment of state hospital districts shall be made, or a new state hospital district created, the commission shall make a report thereof, designating the counties included within each district affected thereby, and file the same with the secretary of state, and send a copy to the superintendent of each state hospital, and to each judge of a court of record, each county superintendent of the poor, and each county clerk in the state, to be filed in his office.

§ 5. Section fifteen of such chapter, as amended by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 15. Commission to provide for the prospective wants of the insane.—The commission shall provide sufficient accommodations for the prospective wants of the poor and indigent insane of the state. To prevent overcrowding in the state hospitals,

it shall recommend to the legislature the establishment of other state hospitals, in such parts of the state as in their judgment will best meet the requirements of such insane. It shall also furnish to the legislature in each year, an estimate of the probable number of patients who will become inmates of the respective state hospitals during the year beginning October first next ensuing, and the cost of all the additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the care, custody and treatment of the poor and indigent insane of the state. No money shall be expended for the erection of additional buildings, or for unusual repairs or improvements of state hospitals, except upon plans and specifications to be approved by the commission and the governor. The cost of such buildings as are to be occupied by patients erected on the grounds of existing state hospitals, including the necessary equipment for heating, lighting, ventilating, fixtures and furniture, shall in no case exceed the proportion of four hundred and fifty dollars per capita for the patients to be accommodated therein. No municipality of the state shall have the power to modify or change plans or specifications for the erection, repair or improvement of state hospital buildings or the plumbing or sewerage connected therewith. The commission may secure a blanket policy of insurance covering any or all of the buildings, property or fixtures of the state hospitals.

§ 6. Section thirty-one of such chapter is hereby amended to read as follows:

§ 31. Abolition of boards of managers; creation of boards of visitation.—The boards of managers of the several state hospitals shall be abolished on the first day of April, nineteen hundred and two, and their powers and duties conferred upon the state commission in lunacy, unless otherwise provided by law. There shall be a board of visitation for each state hospital, to consist of five members to be appointed by the governor. All of such members shall reside within the hospital district of the hospital for which they are appointed. The members of each board of visitation first appointed hereunder shall be appointed for such terms that the term of office of one member shall expire each year, and annually thereafter

one member shall be appointed for a full term of five years. If a vacancy shall occur otherwise than by expiration of term, the appointment of a member to fill such vacancy shall be for the unexpired term of his predecessor. No person shall be eligible as a member of any such board who is an elective state officer, or a member of the legislature, and if any such member shall become such elective state officer, or a member of the legislature, his office as a member of such board shall become vacant. A member of a board of visitation may be removed at the pleasure of the governor. The members of the boards of visitation first appointed hereunder shall be appointed by the governor on or before April fifteenth, nineteen hundred and two.

§ 7. Section thirty-two of such chapter, as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 32. Powers and duties of boards of visitation.—Each of such boards of visitation shall elect from its members a president and a secretary. The president shall preside at all meetings, and the secretary shall enter the minutes of such meetings in a book to be provided for that purpose. Each of such boards shall, by a majority of its members, visit and inspect each hospital for which it is appointed at least monthly, and as a board, or by any of its members, when directed by the governor. Such board shall make a written report in duplicate to the governor and to the commission in lunacy within ten days after each visitation, to be signed by each member making such visitation. Such report shall state in detail the condition of the hospital visited and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board should be brought to the attention of the governor, or the commission in lunacy, and may contain recommendations as to needed improvements in the hospital or its management. The resident officers shall admit such board, or the members thereof, into every part of the hospital and its buildings, and exhibit to them, upon demand, all the property, supplies, books, papers, accounts and writings belonging to the hospital, or pertaining to its business, management, discipline or government, and furnish copies, abstracts and reports whenever required by them.

§ 8. Section thirty-three of such chapter, as amended by chapter three hundred and eighty of the laws of nineteen hundred is hereby amended to read as follows:

§ 33. **Expenses of boards of visitation.**—The members of a board of visitation shall not receive any compensation for their services, but shall receive their actual necessary traveling and other expenses to be paid by the state treasurer, on the warrant of the comptroller, out of any moneys appropriated therefor.

§ 9. Section thirty-four of such chapter, as amended by chapter six hundred and seventy-six of the laws of nineteen hundred, is hereby amended to read as follows:

§ 34. **Officers.**—The commission in lunacy, pursuant to the civil service law and the rules and regulations of the state civil service commission, shall appoint for each hospital, as often as vacancies occur therein, a superintendent and a steward. The superintendent shall be a well-educated physician and a graduate of an incorporated medical college, of at least five years' actual experience in an institution for the care and treatment of the insane. The superintendents and all assistant physicians of homeopathic hospitals for the insane shall be homeopathic physicians, but such homeopathic physicians shall not be eligible to appointment in or transfer to state hospitals that are not for homeopathic treatment. Each superintendent shall be the treasurer of the state hospital for which he is appointed, and before entering upon his duties as such treasurer shall file with the comptroller of the state his undertaking to the people in an amount and with sureties to be approved by the state comptroller, to the effect that he will faithfully perform his trust as such treasurer. The superintendent or steward may be removed by a vote of a majority of the commission for cause stated in writing, and after an opportunity has been given him, to be heard, and such action shall be final. Such commission may issue subpoenas and take and hear testimony in respect to charges made against either of such officers. A witness attending before such commission shall be entitled to the same fees as a witness attending before a court of record, or a judge thereof, which shall be paid as other hospital charges. Except as otherwise provided in this section, superintendents and assistant physicians may, with the approval of the governor, be transferred

by the commission from one state hospital to another. On the first day of April, nineteen hundred and two, the office of treasurer in each of the state hospitals shall be abolished, and their powers and duties shall be conferred upon the superintendent. A superintendent or a steward in office on such date shall be continued in office until removed pursuant to law, notwithstanding the change hereby made in the manner of his appointment.

§ 10. Section thirty-five of such chapter is hereby amended to read as follows:

§ 35. General powers and duties of superintendent.—The superintendent of each hospital shall be its chief executive officer, and in his absence or sickness, the first assistant physician or other officer designated by the superintendent shall perform the duties and be subject to the responsibilities of the superintendent. Subject to the by-laws and regulations established by the commission the superintendent shall have the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock, and the direction and control of all persons therein, and subject to such by-laws and regulations shall:

1. Personally maintain an effective supervision and inspection of all parts of the hospital and generally direct the care and treatment of the patients. To this end the superintendent shall personally examine the condition of each patient, within five days after his admission to the hospital, and shall regularly visit all of the wards or apartments for patients at such times as the rules and regulations of the hospital shall prescribe.

2. Appoint such resident officers, except the steward, including a woman physician, and such employees as he may think proper and necessary for the economical and efficient performance of the business of the hospital and prescribe their duties and, for cause stated in writing, after an opportunity to be heard, discharge any of such employees in his discretion. The number of such resident officers and employees shall be determined by the commission. The commission may, with the approval of the governor, abolish the office of any of such resident officers or employees. The superintendent may with the approval of the commission, remove any resident officer, except the steward, for cause stated in writing, after an opportunity to be heard, and such action shall be final. Upon any such removal

he shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital. The superintendent, assistant physicians, including the woman physician, steward and matron shall constantly reside in the hospital, or on the premises, and shall be designated the resident officers of the hospital. The assistant physicians, including the woman physician, shall be graduates of an incorporated medical college, and shall possess such other qualifications as may be required by law.

3. Transmit, by mail, to the commission in lunacy, within five days after any such discharge, information of such discharge, and of the cause thereof. The commission shall preserve the name of such officer, or employee, with the facts relating to his discharge, in a book provided for that purpose.

4. Designate hospital attendants or employees to act as special policemen, whose duty it shall be, under the orders of the superintendent, to arrest and return to the hospital insane persons who may escape therefrom, and to preserve peace and good order in such hospital and to fully protect the grounds, buildings and patients. Such attendants and employees, acting as policemen, shall possess all the powers of peace officers on the grounds and premises of such hospitals and to the extent of one hundred yards beyond such grounds. The designation of such attendants and employees as special policemen, in pursuance hereof, shall not be deemed to supersede, on the grounds and premises of such hospital, the authority of peace officers of the jurisdiction within which such hospital is located.

5. Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

6. Maintain salutary discipline among all who are employed in the institution and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital.

7. Establish and supervise a training school for attendants and nurses, under rules and regulations of the hospital.

8. Cause full and fair accounts and records of all his doings and of the entire business and operations of the hospital, to be kept regularly, from day to day, in books provided for that purpose.

9. See that all such accounts and records are fully made up to the last day of September in each year, and that the principal facts and results, with his report thereon, be presented to the commission within thirty days thereafter. The commission may prescribe the form of and the subjects to be embraced in such reports. Such superintendent shall make other reports at such times, in such manner and in respect to such matters as the commission may direct.

10. Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence and occupation, and the date of such reception, by whom brought and by what authority and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates and other papers accompanying such person.

§ 11. Section thirty-six of such chapter as amended by chapter six hundred and thirty-four, of the laws of nineteen hundred, is hereby amended to read as follows:

§ 36. **Special provisions relating to Long Island state hospital and Manhattan state hospital.**—The Long Island state hospital is divided into two parts: The part located at Kings Park shall be known as “Long Island state hospital at Kings Park;” the part located at Flatbush in the borough of Brooklyn, city of New York, shall be known as “Long Island state hospital at Flatbush”. Manhattan state hospital is divided into three parts: The part located on Ward’s Island known as the men’s department shall be known as “Manhattan state hospital east;” the part located on Ward’s Island known as the women’s department shall be known as “Manhattan state hospital west;” the part located at Central Islip as “Manhattan state hospital at Central Islip”. After the tenth day of April, nineteen hundred and two, there shall be one superintendent and one steward of the two parts of the Manhattan state hospital located on Ward’s Island, whose powers and duties, subject to the provisions of this chapter shall extend over both parts of such hospital located upon said island. The commission shall designate one of the superintendents and one of the stewards of one of such parts, in office on April first, nineteen hundred and two, to act as superintendent and steward for both such parts, and upon such designation, the terms of office of the superintendent and steward of the other part of such hospital upon said island, shall cease

and determine. Each part of each of such hospitals shall, except as otherwise provided in this section, be deemed a state hospital and all the provisions of this chapter relating to the management, maintenance and control of state hospitals and the appointment of resident officers, attendants and employees therein shall apply to each such part, except that but one board of visitation shall be appointed for the Manhattan state hospital, and but one board of visitation for the Long Island state hospital. Patients shall be committed to and received at each part of Long Island state hospital and Manhattan state hospital in accordance with rules to be established by the state commission in lunacy. The commission may also adopt rules regulating the transfer of such patients from one part to another of such hospitals.

§ 12. Section thirty-seven of such chapter, as amended by chapters three hundred and eighty and six hundred and thirty-four of the laws of nineteen hundred, is hereby amended to read as follows:

§ 37. **Meeting of superintendents.**—The superintendents or other officers of the several state hospitals, or any of them, shall meet, upon the call of the commission, at the office of the commission at Albany, or at such other place as may be designated by it, to consult with such commission with reference to matters relating to the care and maintenance of the state hospitals and particularly with reference to the purchase of supplies for their use.

§ 13. Section thirty-eight of such chapter, as amended by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 38. **Salaries of officers and wages of employees.**—The commission, from time to time, with the approval in writing of the governor, secretary of state and comptroller, shall fix the annual salaries of the resident officers of the state hospitals, which shall be uniform for like service. They shall classify the other officers and employees into grades, and determine the salaries and wages to be paid in each grade, which shall be uniform in all the hospitals. The salaries and wages shall be included in the estimates and paid in the same manner as other expenses of the state hospitals. Food supplies shall be allowed to officers and employees and the families of

the superintendents, first assistant physicians and stewards. Food supplies shall continue to be allowed the families of the assistant physicians residing at the hospitals on January first, eighteen hundred and ninety-six. Such families shall consist only of the wives and minor children of such officers; no other persons, except those regularly employed, shall be allowed rooms and maintenance, except at a rate to be fixed by the commission; such supplies shall be drawn from the supplies provided for general hospital use. With the approval of the commission, officers or employees of state hospitals may be permitted to live outside of such hospitals, and shall receive such sums in lieu of the quarters or supplies furnished by the hospitals, as may be equitable.

§ 14. Section thirty-nine of such chapter, as amended by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 39. **Monthly estimate of expenses; contingent fund.**—The superintendent of each of the state hospitals shall at least once in each two months as the commission may determine cause to be prepared triplicate estimates in minute detail, of the expenses required for the hospital of which he is the superintendent, for the ensuing two months. He shall submit two of such triplicates to the commission and file the third copy in the office of the superintendent. The commission may revise estimates for supplies or other expenditures either as to quantity, quality, or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimate, as approved or revised by it, are actually required for the use of the hospital, and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate by the commission, the comptroller shall authorize the superintendent as treasurer to make drafts on the comptroller, as the money may be required for the purposes mentioned in such estimates, which drafts shall be paid on the warrant of the comptroller out of the funds in the treasury of the state held for the care of the insane and the maintenance of state hospitals. In every such estimate, there shall be a sum named, not to exceed one thousand dollars, as an emergency fund for which no minute detailed statement need be made. No money shall be expended for the use of any

of the state hospitals, except as provided in this section. Libraries may be furnished to any state hospital by the regents of the university of the state of New York, subject to regulations adopted by them and the commission, the expense of which shall be included in the bi-monthly estimates of the hospital. Any general expense necessarily incurred by the commission for or on account of the state hospitals shall be apportioned to such hospitals on the basis of the number of patients, and included in the estimates of such hospitals made as provided in this section under the direction of the commission.

§ 15. Section forty of such chapter, as amended by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 40. Powers and duties of superintendent as treasurer.—The superintendent as treasurer of each hospital shall, subject to the rules and regulations of the commission:

1. Have the custody of all moneys received from the comptroller on account of estimates made by the superintendent and revised and approved by the commission and keep an accurate account thereof.

2. Have the custody of all bonds, notes, mortgages and other securities and obligations belonging to the hospital.

3. Receive all money for the care and treatment of private patients and other sources of revenue of the hospital.

4. Deposit all such money in a bank designated by the comptroller conveniently near the hospital, in his name as treasurer, and send each month to the comptroller and to the commission a statement, showing the amount so received and deposited and from whom and for what received, and when such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit. The superintendent as treasurer shall make an affidavit to the effect that the sum so deposited is all the money received by him, from any source of hospital income up to the time of the last deposit appearing on such statement. A bank designated by the comptroller to receive such deposits shall, before any deposit is made, execute a bond to the people of the state, in a sum approved by the comptroller, for the safe keeping of the funds deposited.

5. Pay out the money deposited for the uses of the state hospital, upon the voucher of the steward.

6. Keep full and accurate accounts of all receipts and payments, in the manner directed in the by-laws and according to books and forms prescribed and furnished by the commission.

7. Balance all accounts on his books, annually, on the last day of September, and make a statement thereof and an abstract of the receipts and payments of the past year and deliver the same, within ten days, to the commission.

8. Render an account of the state of the books and the funds and other property in his custody, whenever required by the commission.

9. Execute a release and satisfaction of a mortgage, judgment or other lien or debt in favor of the hospital, when paid.

10. Receive all moneys for or on account of the sale of lands of the hospital, of which he is the treasurer.

§ 16. Section forty-one of such chapter is hereby amended to read as follows:

§ 41. **Monthly statements of receipts and expenditures; vouchers.**—The superintendent as treasurer of each state hospital shall, on or before the fifteenth day of each month, make to the comptroller and to the commission a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form:

I,, treasurer of the state hospital, do solemnly swear that I have deposited in the bank designated by law for such purpose, all the moneys received by me on account of the hospital during the last month, and I do further swear that the foregoing is a true abstract of all the moneys received and payments made by me or under my direction as such treasurer during the month ending on the day of, 18..

There shall also be attached thereto the affidavit of the steward, to the effect that the goods and other articles therein specified were purchased and received by him, or under his directions, at the hospital; that the goods were purchased at a fair cash market price and paid for in cash, or on credit, not exceeding thirty days, and that he, or any person in his behalf, had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the

way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles contained in such bill were received at the hospital; that they conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such statement shall be accompanied by the voucher showing the payment of the several items contained in the statement and the approval thereof by the superintendent, the amount of such payment and for what the payment was made. Such approval may be contained on an audit sheet, which shall refer to each voucher approved by the superintendent, giving the number of voucher, the name of the claimant and the amount at which it was approved. Such vouchers shall be examined by the commission and compared with the estimates made for the month for which the statement is rendered, and if found correct shall be indorsed and forwarded by the commission, with the statement to the comptroller. If any voucher is found objectionable, the comptroller shall indorse his disapproval thereon, with the reason therefor, and return it to the treasurer, who shall present it to the superintendent for correction, and when corrected return it to the comptroller. All such vouchers shall be filed in the office of the comptroller.

§ 17. Section forty-two of such chapter, as amended by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 42. **Actions to recover moneys due the hospital.**—The superintendent as treasurer of any state hospital may bring an action in the name of the hospital, to recover for the use thereof:

1. The amount due upon any note or bond in his hands belonging to the hospital.

2. The amount charged and due, according to the by-laws of the hospital, for the support of any patient therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, and to enforce any liability created by statute for the care and support of the insane.

3. Upon any cause of action accruing to the hospital.

§ 18. Section forty-three of such chapter is hereby amended to read as follows:

§ 43. **General powers and duties of the steward.**—The steward, under the direction of the superintendent, and subject to the

rules and regulations of the commission, shall be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the hospital, and under the direction of the superintendent, and subject to such rules and regulations, shall:

1. Make all purchases for the hospital and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same.

2. Prepare and keep the pay-rolls of the hospital.

3. Keep the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer statements thereof as they fall due.

4. Notify the treasurer of the death or discharge of any reimbursing or pay patient, within five days after such death or discharge.

§ 19. Section forty-four of such chapter, as amended by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 44. **Purchases and contracts.**—All purchases of supplies for the use of the hospital shall be made for cash or on credit or time, not exceeding sixty days; every voucher shall be duly filled up, and with every abstract of vouchers paid, there shall be proof on oath that the voucher was properly filled up and the money paid. No expenditure for supplies or other purposes shall be made for the benefit of such hospitals, by contract or otherwise, unless in conformity with the provisions of this act in relation to estimates. No member of the commission or officer of a hospital shall be interested, directly or indirectly, in the furnishing of material, labor or supplies for the use of the hospital, nor shall any such officer act as attorney or counsel for such hospital. Contracts subject to the approval of the commission shall be entered into jointly, by the stewards of the state hospitals for such staple articles of supplies, as it may be found feasible by the commission to purchase for the use of the hospitals. Such contracts shall not be let except in conformity with the provisions of this act relating to estimates. The state hospitals may manufacture such supplies and materials to be used in any of such hospitals as can be economically made therein. All goods for the use of the hospitals shall be bought, as far as practicable, of manufacturers or their

immediate agents. All contracts, if let, shall, subject to the provisions of section thirty-nine, relating to estimates, be awarded to the lowest responsible bidders. A member of the commission or an officer, or employee of a state hospital shall not receive a gift or reward for himself or the hospital from any person, firm or corporation dealing in goods, or supplies suitable or necessary, for the use of the hospital. All purchases and contracts made and executed in pursuance of law, prior to April first, nineteen hundred and two, shall thereafter be given full force and effect, notwithstanding the change in the management of the state hospitals.

§ 20. Section forty-five of such chapter is hereby amended to read as follows:

§ 45. **Official oath.**—Each superintendent and steward of a hospital, before entering upon his duties as such, shall take the constitutional oath of office and file the same in the office of the secretary of state.

§ 21. Section forty-six of such chapter is hereby amended to read as follows:

§ 46. **Actions against commissioners in lunacy, or officers of state hospitals.**—No civil action shall be brought in any court against the commission or a commissioner in lunacy, or an officer of a state hospital, for alleged damages because of any act done or failure to perform any act, while discharging their official duties, without leave of a judge of the supreme court, first had and obtained. Any just claim for damages against such commission or commissioner, officer or employee for which the state would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane.

§ 22. Section fifty-one of such chapter, as added by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 51. **Manhattan state hospital; docks, ferryboats and removal of dead bodies.**—The commission is hereby authorized to acquire by purchase or by lease, for the use of the Manhattan state hospital, in the city of New York, at some point as nearly opposite Ward's island as may be available, a dock which shall be suitable for the purpose of a landing and a depot for the general use of the hospital; also to purchase or lease one or more suitable steamboats to be used for the conveyance of

patients and supplies to and from such hospital. Until the state provides a cemetery for the use of the hospital the commissioners of public charities of the city of New York shall continue to remove the dead bodies of insane patients from Ward's and Blackwell's islands, and to provide for the burial of the unclaimed dead as prescribed by law prior to the passage of chapter two of the laws of eighteen hundred and ninety-six, and also to afford transportation by their steam ferryboats for such bodies as are claimed by friends at the hospital, such removal to be made within twenty-four hours after receipt of notice from the superintendent of the Manhattan state hospital.

§ 23. Section fifty-three of such chapters, as added by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 53. **Erection, repairs and improvements of state hospital buildings.**—All plans and specifications for the erection, repairs and improvements of state hospital buildings shall be prepared by the state architect, and he may employ such experts, engineers and assistants as may be necessary for the proper conduct of such work, whose compensation shall be fixed by said architect, with the approval of the commission, and shall be paid by the treasurer of the hospital where the work is to be performed, out of any moneys allotted by the commission for that purpose. Contracts for such erection, repairs and improvements may be let by the commission, subject to the approval of the governor and comptroller, for the whole or any part of the work to be performed, and in the discretion of the commission such contracts may be sublet. The comptroller and the commission shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, repairs or improvements of state hospital buildings. A preliminary deposit, or certified check drawn upon some legally incorporated bank in this state, shall in all cases be required as an evidence of good faith, upon all proposals for buildings, repairs and improvements, to be deposited with the treasurer of the hospital for which the work is to be performed, in an amount to be determined by the state architect. All contracts for the erection, repairs or improvements to hospitals, shall

contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. The commission is directed, to the fullest extent deemed practicable, to provide additional buildings for the removal of the insane from the Flatbush department of the Long Island state hospital.

§ 24. Article two of such chapter is hereby amended by adding at the end thereof a new section to be section fifty-four thereof, and to read as follows:

§ 54. **Streets and railroads through hospital lands.**—No public street or road for railroad or other purposes shall be opened through the lands of a state hospital, unless the legislature by special law consents thereto.

§ 25. Section sixty-nine of such chapter as amended by chapter three hundred and eighty of the laws of nineteen hundred is hereby amended to read as follows:

§ 69. **Patients admitted under special agreement.**—The commission may authorize the superintendent of a state hospital to admit thereto, under special agreement, insane patients, who are residents of the state, other than poor and indigent insane persons, when there is room for such insane therein. But no patient shall be permitted to occupy more than one room in any state hospital. Such patients, when so received, shall be subject to the general rules and regulations of the hospital. The amount agreed upon for the maintenance of such insane persons in a state hospital, shall be secured by a properly executed bond, and bills therefor shall be collected monthly.

§ 26. Section seventy-four of such chapter is hereby amended to read as follows:

§ 74. **Discharge of patients.**—The superintendent of a state hospital, on filing his written certificate with the commission may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal offense at any time, as follows:

1. A patient who, in his judgment, is recovered.

2. Any patient who is not recovered but whose discharge in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient; provided, how-

ever, that before making such certificate, the superintendent shall satisfy himself, by sufficient proof, that friends or relatives of the patient are willing and financially able to receive and properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient upon request, and so certifies in writing, giving his reasons therefor, any judge of a court of record in the judicial district in which the hospital is situated may, upon such certificate and an opportunity of a hearing thereon being accorded the superintendent, and upon such other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require, for the good behavior and maintenance of the patient. The certificate and the proof and the order granted thereon shall be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged. The superintendent may grant a parole to a patient not exceeding thirty days, under general conditions prescribed by the commission. The commission may, by order, discharge any patient in its judgment improperly detained in any institution. A poor and indigent patient discharged by the superintendent, because he is an idiot, or an epileptic, not insane, or because he is not a proper case for treatment within the meaning of this chapter, shall be received and cared for, by the superintendent of the poor or other authority having similar powers, in the county from which he was committed. A patient, held upon an order of a court or judge having criminal jurisdiction, in an action or proceeding arising from a criminal offense, may be discharged upon the superintendent's certificate of recovery, approved by any such court or judge.

§ 27. This act shall take effect April first, nineteen hundred and two.

Chap. 27.

An ACT to amend the agricultural law, in relation to the prevention of disease in fruit trees, and the pests that infest the same.

Became a law, February 19, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections eighty-two and eighty-three of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as amended by chapter four hundred and eighty-two of the laws of eighteen hundred and ninety-eight, and chapter four hundred and seventeen of the laws of nineteen hundred and one, are hereby amended to read, respectively as follows:

§ 82. The prevention of disease in fruit trees and the extirpation of insect pests that infest the same.—No person shall knowingly or wilfully keep any peach, almond, apricot or nectarine trees affected with the contagious disease known as yellows. Nor shall any person knowingly or wilfully keep any plum, cherry or other trees affected with the contagious disease or fungus known as black knot nor any tree, shrub or plant infested with or by the San José scale or other insect pest dangerously injurious to or destructive of the trees, shrubs or other plants; every such tree, shrub or plant shall be a public nuisance, and as such shall be abated and no damage shall be awarded for entering upon premises upon which there are trees, shrubs or plants infected with yellows or black knot or infested with San José scale, for the purpose of legally inspecting the same, nor shall any damage be awarded for the destruction by the commissioner of agriculture, or his duly authorized agents, or representatives, of such trees, shrubs or plants, or altogether destroying such tree, if necessary to suppress such disease, if done in accordance with the provisions of this article, except as otherwise herein provided. Every person, when he becomes

aware of the existence of such disease or insect pest in any tree owned by him, shall forthwith report the same to the commissioner of agriculture at Albany, New York, and the said commissioner shall take such action as the law provides. If in the judgment of said commissioner of agriculture or the person or persons representing him, the trees, shrubs or other plants so infected, infested or diseased should be destroyed, then such destruction shall be carried on and completed under the supervision of the commissioner of agriculture or the person or persons duly appointed by him and authorized so to do, without unnecessary delay, but the owner of the trees, shrubs or plants shall be notified immediately upon its being determined that such trees, shrubs or plants should be destroyed by a notice in writing signed by said commissioner or the person or persons representing him, which said notice in writing shall be delivered in person to the owner of such trees, shrubs or plants, or left at the usual place of residence of such owner, or if such owner be not a resident of the town, by leaving such notice with the person in charge of the premises, trees, shrubs or plants or in whose possession they may be; such notice shall contain a brief statement of the facts found to exist whereby it is deemed necessary to destroy such trees, shrubs or plants, and shall call attention to the law under which it is proposed to destroy them, and the owner shall within ten days from the date upon which such notice shall have been received, remove and burn all such diseased or infested trees, shrubs or plants. If, however, in the judgment of the commissioner of agriculture, any trees, shrubs or plants infected with any disease or infested with dangerously injurious insects can be treated with sufficient remedies, he may direct such treatment to be carried out by the owner under the direction of the commissioner's agent or agents, any person refusing or failing to comply with the directions of the commissioner of agriculture or his duly authorized agents in carrying on the work of extirpating dangerously injurious insect pests and fungus or other diseases, shall be guilty of a misdemeanor. In case of objections to the findings of the inspector or agent of the commissioner of agriculture, an appeal shall be made to the commissioner of agriculture, whose decision shall be final. An appeal must be taken within three days from service of said notice, and shall act as

a stay of proceedings until it is heard and decided. When the commissioner of agriculture, or the person or persons appointed by him, shall determine that any tree or trees, shrubs or other plants must be treated or destroyed forthwith, he may employ all necessary assistants for that purpose, and such person or persons, agent or agents, employee or employees, may enter upon any or all premises in any city or town necessary for the purposes of such treatment, removal or destruction.

§ 83. Appointment and duties of the agent of the commissioner of agriculture.—When the commissioner of agriculture knows or has reason to believe that any such contagious disease exists, or that there is good reason to believe that it exists, or danger is justly apprehended of its introduction in any town or city in the state, or that any dangerously injurious insect pest exists within this state, and has reason to believe that danger may be justly apprehended from its existence, he shall forthwith send some competent person and such agent or agents as he may deem necessary to assist in extirpating said pest or pests, disease or diseases, and the said commissioner of agriculture is hereby authorized and empowered to take such steps and do whatever may be deemed necessary to so control or prevent the spread or extirpate said pest or pests, disease or diseases, and he shall cause an examination to be made at least once each year, prior to September first, of each and every nursery or other place where trees, shrubs or plants, commonly known as nursery stock, are grown for sale, for the purpose of ascertaining whether the trees, shrubs or plants therein kept or propagated for sale are infected with any such contagious disease or diseases or infested with such pest or pests. If after such examination it is found that the said trees, shrubs or other plants so examined are free in all respects from any such contagious or infectious disease or diseases, dangerously injurious pest or pests, the said commissioner or his duly authorized agent or other person designated to make such examination, shall thereupon issue to the owner or proprietor of the said stock thus examined a certificate setting forth the fact that the stock so examined is apparently free from any and all such disease or diseases, pest or pests. Should any nurseryman, agent or dealer or broker send out or deliver within the state, trees, vines, shrubs, plants,

buds or cuttings commonly known as nursery stock, and which are subject to the attacks of insects and diseases above provided for, unless he has in his possession a copy of said certificate, dated within a year thereof, deface or destroy such certificate, or wrongfully be in possession of such certificate, he shall be guilty of a misdemeanor. All nursery stock consigned for shipment, or shipped by freight, express or other means of transportation shall be accompanied by a copy of said certificate attached to each car, box, bale, bundle or package. Any person consigning for shipment or shipping nursery stock as above, without such certificate attached, shall be guilty of a misdemeanor. All transportation companies within this state receiving or carrying nursery stock from any point without the state to any point within the state shall immediately, upon receiving such consignments, notify the commissioner of agriculture of the fact that such consignment is in their possession, giving the name of the consignor and consignee, and the point of destination of such consignment. All trees, plants, shrubs, buds or cuttings, commonly called nursery stock, grown in any nursery in this state, in which San José scale has been found within two years of the date of the dissemination of said nursery stock or grown in said nursery within one-half a mile of where said scale was found, and also all nursery stock from outside of this state, disseminated or planted in this state, after the first day of July, nineteen hundred and two, must be fumigated with hydrocyanic gas, in such manner as may be directed by the commissioner of agriculture of this state. Such fumigation must be done by the grower, consignor or consignee of such stock before planting, dissemination or reshipment, except such trees, shrubs, plants, buds or cuttings grown in this state as are planted by the grower or propagator for himself, or such as from its nature or state of growth would be exempt; in such cases the said commissioner shall declare such trees, shrubs, plants, buds or cuttings free from such treatment. All nursery stock brought into this state from outside of this state must be accompanied by a certificate from the consignor that it has been fumigated as aforesaid. Should any such stock arrive without such certificate, the transportation company delivering it shall at once notify the said commissioner to that effect. The consignee shall also at once notify him of that fact, and shall

proceed to fumigate said stock, as directed by the commissioner of agriculture, without delay. Should any nursery stock purchased within one year be found infested with San José scale on the premises of any nurseryman, it shall not be considered such an infestation as to require the fumigation of other stock not so purchased. The words "nursery stock" wherever used in this article shall apply to and include all trees, shrubs, plants, buds, willow grown for nursery, baskets, or other commercial purposes, or cuttings, whether grown in a nursery or elsewhere, so far as it relates to fumigation. The provisions of this and the preceding section shall not apply to florists' greenhouse plants, flowers and cuttings commonly known as greenhouse stock.

§ 2. This act shall take effect immediately.

Chap. 28.

AN ACT to amend section seven of chapter three hundred and sixty of the laws of eighteen hundred and ninety-eight, entitled "An act to amend chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, entitled 'An act relating to state finance, constituting chapter ten of the general laws, and known as the state finance law,' in reference to the education fund."

Became a law, February 19, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter three hundred and sixty of the laws of eighteen hundred and ninety-eight entitled "An act to amend chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, entitled 'An act relating to state finance, constituting chapter ten of the general laws, and known as the state finance law' in reference to the education fund" is hereby amended to read as follows: Act amended.

§ 7. Any sums of principal received by the said commissioners in any county in which a savings bank or trust company is situated shall be forthwith deposited in some savings bank or

trust company in said county to the credit of said commissioners, and shall there remain until the same is reinvested in mortgage in conformity with the provisions of this act. In any county in which there is no savings bank or trust company, the commissioners may deposit any sums of principal received by them in an incorporated bank within said county in which the said commissioners keep their accounts as such; provided, however, that if such moneys are not reinvested in mortgage within sixty days, the said commissioners shall cause the same to be deposited in some savings bank or trust company to their credit as such commissioners, where the same shall remain until it can be reinvested in mortgages as provided by this act.

§ 2. This act shall take effect immediately.

Chap. 29.

AN ACT to make the office of sheriff of Franklin county a salaried office, in part, and to regulate the management thereof.

Became a law, February 19, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sheriff,
annual
salary of.

Section 1. After the expiration of the term of office of the present sheriff of the county of Franklin, the sheriff of that county shall receive as compensation for all services hereinafter enumerated, an annual salary of twelve hundred dollars, and in addition maintenance for himself and family, as herein provided.

§ 2. Such salary and maintenance shall constitute the whole compensation which shall be allowed or paid to or received by said sheriff for all the official services which may be performed as sheriff in his attendance upon any and all courts of record held in the county of Franklin, and for all services performed by him under this act or for the United States of America, the state of New York, or the county of Franklin, or chargeable thereto or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff; and no compensation, payment or allowance shall be made to him or re-

ceived by him for his own use for any such services except the aforesaid maintenance and salary and the fees specified in section ten of this act.

§ 3. All fees, emoluments and perquisites which such sheriff shall charge or receive, or which he is entitled to receive as a peace officer, or which he shall legally be authorized, required or entitled to charge or receive for conveying prisoners to state or other institutions, and for all other services for the United States of America, or the state of New York, or for the county of Franklin, for which fees are paid, including the moneys he may receive for the board, custody or care of United States or other prisoners, shall belong to the county of Franklin; and it shall be the duty of said sheriff to exact, collect and receive for said county the full amount allowed by law of all such moneys, fees, emoluments and perquisites. This section shall apply to Chinese persons committed to his custody under the Chinese exclusion act.

Fees, shall belong to county.

§ 4. Such sheriff shall keep in his office in a proper book or books to be provided for that purpose, an exact and true account of all the official services performed by him as sheriff, and of all fees and moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law; such book or books shall show when and for whom every such service shall have been performed, its nature, the fees chargeable therefor, and at all times, during office hours, shall be open to the inspection of every person.

Books to be kept.

§ 5. Such sheriff shall transmit to the treasurer of said county within the first five days of each month, a statement duly verified, of all moneys received by him for fees, perquisites and emoluments for all services rendered by him in his official capacity as herein provided; the verification of such statement shall be by affidavit of said sheriff, that said statement is in all respects full and true as herein required and shall be positive and not on information and belief, and at the same time said sheriff shall pay over to the treasurer of the county of Franklin, for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding report.

Monthly statements, to be transmitted to county treasurer.

§ 6. Every such sheriff before entering upon the duties of his office, shall execute to the county of Franklin, and file with the

Official bond.

treasurer of said county, an undertaking to said county, in addition to any other required by law, in the sum of five thousand dollars, with two sufficient sureties, to be approved by the county judge of Franklin county, to the effect that he will faithfully perform the duties of his office, and pay over to the treasurer of said county, as herein provided, all moneys which shall come into his hands as herein provided.

Sheriff,
duties of.

§ 7. It shall be the duty of such sheriff to keep and properly care for the jail and court house of said county; preserve all property belonging thereto and situate therein, and he shall be responsible for the custody, maintenance and control of all prisoners and persons detained in said jail. On the first day of January of each year the purchasing committee, hereinafter named, shall take an inventory of all property of every kind and nature belonging to the county in the possession of the sheriff, and the said sheriff shall be chargeable therewith, and at the end of each year the said sheriff shall account for all the property in the last inventory contained or purchased since the last inventory was taken, and he shall be liable to pay to the county of Franklin, the value of any property which shall be missing and not accounted for, at such time and in such manner as the said purchasing committee shall direct. The board of supervisors may provide a janitor for the court house and for attending to the heating of the same and of the county clerk's office at a salary not exceeding one dollar per day for each and every day in the year.

Janitor,
salary of.

§ 8. The board of supervisors at each annual meeting shall appoint a committee of three persons who may be members of such board, which committee shall designate one as chairman, and which shall be known as the purchasing committee of said county, and it shall be the duty of the sheriff of said county, subject to the supervision, control, approval and direction of such purchasing committee, to purchase and provide all furniture, implements, material, food and supplies of whatever nature necessary for the custody, care and maintenance of the sheriff and his family, jailer and turnkey, matron and cook and of the prisoners and persons detained within said jail, and the cost of the same and any actual and necessary expenses of the sheriff in providing the same, shall be a county charge and be paid by the county, as follows: The sheriff shall keep a cor-

Expenses,
to be a
county
charge.

rect and itemized account of such cost and expenses in a book or books provided for that purpose, at the expense of said county. Each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid, and for what, and the purposes for which it was paid. The said sheriff shall also obtain a voucher for each item incurred by him, so far as practicable, and if any such item exceeds the sum of ten dollars, it shall be duly verified as to its correctness, and the payment thereof by the affidavit of the person furnishing the same. At the end of each calendar month or within five days thereafter, the sheriff shall present to the chairman of such purchasing committee, a written, verified statement in detail of all the items so expended for such month; and the said chairman shall forthwith examine such statement, and within five days after having examined the same, attach his certificate thereto, certifying what amount he finds correct, and authorized by such committee, and thereupon such chairman shall return to the sheriff said statement with his said certificate attached thereto. The sheriff shall thereupon present the same to the county treasurer of Franklin county, who shall forthwith pay to said sheriff the amount certified by said chairman to be correct and allowed. The verification of such statement shall be by the affidavit of the sheriff, that said statement is in all respects full and true, and shall be positive, and not on information and belief. In case any portion of said account of said sheriff is not certified by said chairman to be correct, the same may be presented by said sheriff to the board of supervisors of said county for audit, and the amount therefor may be paid as other county charges.

Expense
account,
how kept.

Vouchers.

§ 9. With the approval of the board of supervisors there may be employed at the jail of said county, for the care, custody, maintenance and control of the prisoners and persons detained therein and other necessary services, one officer to be known as jailer and turnkey whose annual salary shall not exceed four hundred dollars, a matron whose annual salary shall not exceed two hundred and eight dollars, and a cook whose annual salary shall not exceed two hundred and eight dollars, such salaries to be fixed by the board of supervisors at each annual session, and each of said persons shall be appointed by the sheriff and hold office during his pleasure, and

Jailer,
salary of.

Cook,
salary of.

Compensation,
payable
monthly.

the said sheriff shall be responsible for all their official acts, and the compensation of the sheriff and said persons shall be paid monthly by the county of Franklin.

Fees.

§ 10. In addition to the salary specified in section one, of this act, the sheriff is authorized and entitled to charge, take and receive the fees now allowed to sheriffs by law in civil causes and proceedings, and paid by litigants or individuals as and for his compensation for services and disbursements rendered therein, and his liabilities thereunder, and for the services of the under-sheriff, deputies and other employees of his office in such cases and proceedings. But this section shall not permit said sheriff to retain to his own use any moneys paid for the care and custody and board of Chinese persons held under the Chinese exclusion law.

Disbursements.

§ 11. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties required by this act, for which the county receives or is entitled to receive, the fees therefor under this act, which said disbursements shall be audited and allowed by the purchasing committee and paid monthly by the county.

Penalty.
for neglect.

§ 12. Any officer referred to in this act who shall receive to his own use, or for the use of another, any fee, perquisite or emolument contrary to the provisions of this act, or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Franklin, shall be guilty of a misdemeanor, and be liable to said county in a civil action for any moneys so received or received for the use of said county and not accounted for and paid to the treasurer pursuant to the foregoing requirements.

§ 13. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 14. This act shall take effect immediately.

Chap. 30.

AN ACT to amend article four of the agriculture law, by adding thereto three sections in relation to the slaughtering, sale and transportation of calves and veal.

Became a law, February 19, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article four of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws" as amended by chapter four hundred and ninety-one of the laws of eighteen hundred and ninety-eight, chapter one hundred and eighteen of the laws of nineteen hundred and chapter three hundred and twenty-one of the laws of nineteen hundred and one is hereby amended by adding at the end thereof three new sections to be numbered respectively sections seventy-e, seventy-f and seventy-g, to read as follows: Act amended.

§ 70-e. Slaughtering and selling veal for food.—No person shall slaughter, for the purpose of selling the same for food, or expose for sale or sell within this state, or bring or cause to be brought into any city, town or village within this state for food any calf or carcass of the same, or any part thereof except the hide, unless it is in good healthy condition and was at least four weeks of age at the time of killing. Any person or persons duly authorized by the commissioner of agriculture, may examine any calf or veal found within this state offered or exposed for sale, or kept with intent to sell as food, and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed, he may seize the same and cause it to be destroyed or disposed of in such manner as to make it impossible to be thereafter used as food.

§ 70-f. Shipping veal.—On and after the passage of this act it shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this state any carcass or carcasses of a calf or calves or any part of such carcass ex-

cept the hide, unless they shall attach to every carcass or part thereof so shipped in a conspicuous place a tag, that shall stay thereon during such transportation, stating the name or names of the person or persons who raised the calf, the name of the shipper, the points of shipping and the destination and the age of the calf.

§ 70-g. Receiving veal for shipment by common carriers.— On and after the passage of this act, no railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves, or any part of the same except the hide, unless the said carcass or carcasses or parts thereof shall be tagged as herein provided.

§ 2. This act shall take effect immediately.

Chap. 31.

AN ACT to repeal section one hundred and forty-six of the agricultural law.

Became a law, February 19, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
repealed.

Section 1. Section one hundred and forty-six of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as added by chapter three hundred and forty-six of the laws of nineteen hundred, and as amended by chapter two hundred and twenty-four of the laws of nineteen hundred and one, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 32.

AN ACT to establish a law library in the sixth judicial district to be known as "the David L. Follett memorial library."

Became a law, February 19, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby established "The David L. Follett memorial library," to be located at Norwich, and which shall be designated as "The supreme court library at Norwich."

Library established.

§ 2. The said library shall be under the care and management of a board of trustees, which board shall consist of five members, who shall be appointed by the governor from among the members of the Chenango county bar, who shall have practiced law for at least ten years. Upon the passage of this act the governor shall appoint one member of said board who shall serve until the thirty-first day of December nineteen hundred and six, one member who shall serve until the thirty-first day of December, nineteen hundred and five, one member who shall serve until the thirty-first day of December, nineteen hundred and four, one member who shall serve until the thirty-first day of December, nineteen and three and one member who shall serve until the thirty-first day of December, nineteen hundred and two. At the expiration of such term the governor shall appoint successors to said trustees who shall serve for five years and until their successors have been appointed. The said board of trustees shall have power to receive, by gift or devise, any property conveyed for the purpose of a law library and hold and manage the same and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or its property. They may procure proper furniture for said library; hire suitable rooms; provide fuel and lights, and defray all the incidental expenses of the care and management of said library, including the proper insurance thereof. The amounts required therefor shall be paid by the treasurer of the county of Chenango, upon the certificate of a resident justice of the supreme court, if there be one, and if

Board of trustees, to manage.

Trustees, how appointed and term of.

Trustees, power of

Expenses,
to be a
county
charge.

not upon the certificate of any justice of the supreme court of the sixth judicial district, out of the moneys raised in said county for court expenses, which sums as well as the salary of the librarian hereinafter specified, shall be a county charge upon said county of Chenango. All appropriations made for said library shall be paid by the treasurer of the state to said trustees to be by them or by a majority of them disbursed in the purchase of books for said library and for the necessary rebinding of the same.

Librarian,
term of
office and
salary of.

§ 3. The librarian of The David L. Follett memorial library shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, but such salary shall not exceed five hundred dollars in any year, and the same shall be paid by the treasurer of the county of Chenango out of the moneys raised in said county for court expenses upon the certificate of the resident justice of the supreme court, if there be one; and if not upon the certificate of any justice of the supreme court in said district. Said librarian shall be subject to the direction of the said board and shall be governed by such rules as it shall from time to time establish and ordain.

§ 4. This act shall take effect immediately.

Chap. 33.

AN ACT to amend chapter four hundred and eighty-eight of the laws of nineteen hundred, entitled "An act to authorize the city of Yonkers to equip and maintain additional fire houses and issue bonds therefor," in relation to the amount of bonds to be issued therefor.

Accepted by the city.

Became a law, February 19, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

act
amended.

Section 1. Section one of chapter four hundred and eighty-eight of the laws of nineteen hundred, entitled "An act to

authorize the city of Yonkers to equip and maintain additional fire houses and issue bonds therefor," is hereby amended so as to read as follows:

§ 1. The common council of the city of Yonkers is authorized to issue bonds of said city in an amount not exceeding fifty thousand dollars, to be known as fire department bonds. Said bonds shall be signed by the mayor and city clerk and sealed with the city seal, and shall bear interest at a rate not exceeding four per centum per annum, and shall mature at such times as the common council shall determine. Said bonds shall be sold at not less than par value, and the proceeds thereof including all premiums shall be expended under the direction of the board of fire commissioners in equipping, maintaining and providing with necessary apparatus fire houses in the city of Yonkers. The common council is authorized in addition to all other sums now authorized by law to raise by tax each year a sum sufficient to pay the interest and principal of said bonds becoming due during said year.

Common council, authority of, to issue bonds.

Interest.

Bonds, proceeds of, how applied.

§ 2. This act shall take effect immediately.

Chap. 34.

AN ACT to legalize and confirm the organization and existence of union free school district number four of the town of Greenburgh, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district.

Became a law, February 19, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The organization and existence of a union free school district known as "Union free school district number four of the town of Greenburgh," in the county of Westchester, and all proceedings heretofore at any time had by the board of education and by the legal voters of said district as such union free school district, or otherwise, are hereby, in all respects, legalized and confirmed.

Proceedings legalized.

§ 2. All the proceedings heretofore had by the board of education and by the legal voters of such school district relative to the purchase of land for a site for a new school building and to the voting of a tax for such purchase and for the erection of a school building on said land, as authorized by the vote of the qualified voters of said district at a meeting thereof called and held on the sixteenth day of September, nineteen hundred and one, and relative to the issuance and sale of the bonds of said district in the sum of sixty thousand dollars for the purchase of said land and erection of said building, authorized at meetings of the board of education thereof, duly called and held on the fourth day of October, nineteen hundred and one and on the thirty-first day of October, nineteen hundred and one respectively, be, and the same are in all respects legalized and confirmed and the said board of education is hereby authorized and empowered to execute and deliver said bonds in accordance with and pursuant to the said proceedings.

Bonds,
issue and
sale of,
legalized.

§ 3. This act shall take effect immediately.

Chap. 35.

AN ACT creating a city court in and for the city of Poughkeepsie, New York.

Accepted by the city.

Became a law, February 20, 1902, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. City court.—An inferior local court of criminal and civil jurisdiction, to be called and known as the city court of the city of Poughkeepsie, is hereby created and established in and for said city, with the jurisdiction and powers hereinafter provided. The city judge shall be the judge of the court. The court shall be open for the transaction of business each day in the year at designated times fixed by the city judge, but upon Sundays and legal holidays the court shall be open only for the purposes provided by law.

§ 2. **Appointment of city judge et cetera.**—The city judge of the city of Poughkeepsie shall be appointed by the mayor. The

term of office of said city judge shall be for four years, and his salary shall be the sum of fifteen hundred dollars per annum to be audited, allowed and paid by the common council; and no person shall be appointed such city judge, who shall not be an attorney and counsellor-at-law admitted to practice in the several courts of this state, and who shall have practised law for at least five years, previous to such appointment. Immediately after the passage of this act, the mayor shall make and file the appointment of such city judge whose term of office shall continue until and including the last day of December, nineteen hundred and five, when the vacancy shall be filled as hereinbefore provided. The city court so created shall have, subject to the limitations of this act, jurisdiction of civil and criminal actions and proceedings in said city. The mayor of the city shall have and retain all powers conferred upon him by law. The appointment of said city judge so made as provided by this act shall not be revoked. The said city judge shall only be removed from office as provided by law for removal of justices of the peace in towns.

§ 3. **Punishment for contempts et cetera.**—The same power and authority as is conferred upon courts of record as provided by article second title first of chapter first of the code of civil procedure for punishment of contempts of courts is hereby conferred upon said city judge; but an appeal may be taken from an order adjudging a person in contempt in the same manner as is an appeal from a judgment. Pending the determination of such appeal the person adjudged in contempt, if imprisoned, may be admitted to bail by the judge of said city court or of the county court, or by a justice of the supreme court, in such an amount, or by an undertaking in such form and terms, and with such sureties, as shall be approved by such judge or justice.

§ 4. **Appointment of clerk et cetera.**—The city judge is authorized and empowered to appoint a clerk, who shall be known as the “clerk of the city court”, and whose salary shall be the sum of seven hundred and fifty dollars per annum, to be audited, allowed and paid by the common council.

§ 5. **Duties of court clerk.**—The clerk shall have the power to take informations upon which warrants for the arrest of persons charged with the commissions of a crime may be issued by said city judge. The clerk shall also have the power to issue

and sign subpoenas, to administer oaths to witnesses, to make and sign executions, commitments and certificates of conviction when authorized by the court, and to certify to, and sign copies thereof for the execution of any judgments rendered in said city court. He shall also have the power to make, sign and certify all returns on appeals taken from said city court, either civil or criminal; and shall also have the power to appear before any court of civil or criminal jurisdiction to give evidence in relation to the records or proceedings of said city court. The clerk shall have the power to issue and sign summons and precepts in all cases of which the city court has jurisdiction, but he shall not issue or sign any warrants or order of arrest in a civil action, or any warrant of attachment or any requisition in replevin. All penalties in criminal cases, and all costs in civil cases shall be paid to the clerk, who shall keep an itemized account of the same. It shall be the further duty of the said clerk to pay into the city treasury once in each month all penalties and costs received by him during the previous month. At the time of paying such money into the city treasury the clerk shall also file with the city chamberlain an itemized account thereof, which shall be filed by said city chamberlain, and known as the "monthly report" of the city court. The clerk of the city court shall give a bond to the city for the faithful performance of his duties in an amount to be fixed by the common council.

§ 6. Rooms and supplies.—The common council of the city shall provide suitable rooms and properly furnish the same for holding court therein, provide for furnishing the necessary blanks, books, stationery, and other necessary articles for use of said court; and provide for the payment of all necessary expenses of said court.

§ 7. Jurisdiction in civil actions and proceedings.—Except as limited by the next succeeding section, the city court shall have jurisdiction in the following civil actions and proceedings, to wit:

1. An action to recover damages upon or for breach of contract, express, or implied, other than a promise to marry, when the sum claimed does not exceed three hundred dollars.

2. An action to recover damages for personal injury or an injury to property, where the sum claimed does not exceed three hundred dollars.

3. An action for a fine or penalty not exceeding three hundred dollars.

4. An action upon a judgment not exceeding three hundred dollars, rendered in said court, or in any court of the state of local jurisdiction, not being a court of record.

5. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattels as stated in the affidavit of the plaintiff does not exceed the sum of three hundred dollars.

6. To render judgment upon the confession of the defendant where the amount confessed does not exceed the sum of six hundred dollars.

7. Summary proceeding under title two chapter seventeen of the code of civil procedure, and the application for the removal of a person from real property in such proceedings may be made to the city judge, as is provided in section twenty-two hundred and thirty-four of the code of civil procedure and the proceedings before the city judge and in the city court shall be as is prescribed by said title.

8. Any other civil action or proceeding or provisional remedy of which courts of justices of the peace or a justice of the peace of towns have jurisdiction, including bastardy cases in which the city judge shall sit as the court.

§ 8. Not to take cognizance of certain actions.—The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question as is prescribed in title three of chapter nineteen of the code of civil procedure, and when such question arises, the pleadings and practice shall be the same as are provided by law for courts of justices of the peace of towns in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction, or malicious prosecution.

3. Where in the matter of accounts, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds six hundred dollars.

4. Where the action is brought against an executor or an administrator as such, except where the amount of the claim does not exceed the sum of three hundred dollars, and the claim has

been duly presented to the executor or administrator and rejected by him.

§ 9. **Processes, practice et cetera, appeals from judgment et cetera.**—The processes and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder, and the practice and procedure in said court, and before the city judge, and the jurisdiction of said court of persons, and subject matter, shall be the same as in courts of justices of the peace in towns except as otherwise provided in this act, and all provisions of law applicable to justices of the peace in towns and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court and the judge thereof except as qualified by this act. Appeals may be taken from judgments of the city court, and all proceedings before the city judge may be reviewed and transcripts of judgment filed in the office of the clerk of the county of Dutchess; and the enforcement of such judgments shall be had in the same manner and with like force and effect as in courts of justices of the peace in towns, except security need not be given to perfect an appeal, but only to stay execution. When the party or parties are not entitled to a new trial as is provided for on appeals from courts of justices of the peace, the county court on such an appeal from such judgment may, on such an appeal, review the facts, affirm, reverse or modify the judgment appealed from, or order a new trial before the city court or judge, with costs to abide the event; and for the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town.

§ 10. **Opening and vacating judgments.**—The city court in civil cases shall have power to open and vacate any judgment rendered therein, upon such terms and conditions as it may deem just within the time limited for an appeal therefrom, and the city judge may make an order staying, in the meantime, proceedings upon such judgment until the hearing and decision of the motion therefor; and upon the service of such order upon the officer having the mandate for the enforcement thereof shall be stayed accordingly. Five days' notice in writing of an application to open or vacate such judgment must be given by the party making the same; and such notice shall be served as is provided

by law, for serving notices of appeal from judgment of a justice of the peace.

§ 11. *Clerk's minutes et cetera.*—All entries of the clerk's minutes or copies thereof duly certified by the clerk and with the seal of the court thereto annexed, shall for any purpose be evidence in all courts of the state of the facts therein stated; and in actions and proceedings for the recovery of fines and penalties the certificate of the clerk of the city, under the corporate seal of said city, setting forth any ordinance, by-law, rule, or regulation and certifying the adoption of the same, and the date of such adoption shall be presumptive evidence, of the existence and adoption of any such ordinance, by-law, rule or regulation.

§ 12. *Costs and fees.*—In all civil actions and proceedings brought in this court the same costs and fees and legal disbursements shall be paid, taxed and recovered, as in actions or proceedings before justices of the peace in towns. The court shall demand and receive of the moving party prepayment of all such fees, unless the party shall file an affidavit in writing, showing to the satisfaction of the court that the action or proceeding is begun in good faith and that the applicant is without means to pay such fees, in which case the judge may, in his discretion, issue the proper process without charging for court fees, but shall in all cases require the applicant to pay in advance the fee of the officer for serving such process. Such fees shall be paid to the clerk of the court. All policemen or constables or peace officer's fees received by the clerk of the city court and all other costs and fees received by him shall be paid to the city chamberlain once in each month, and shall belong to the city; and the city judge or clerk shall not directly or indirectly receive to his own use any fees or perquisites except his salary. In addition to such fees and disbursements as may have been paid or incurred by the prevailing party, he shall be allowed as costs in case he has appeared by an attorney admitted to practise in courts of record of this state (and not otherwise), the following sums as expenses:

1. If a judgment is rendered for plaintiff upon default or by confession, to the plaintiff three dollars.

2. If judgment is rendered for plaintiff otherwise than upon default, or by confession, to the plaintiff, three dollars and an additional sum equal to ten per centum of the recovery when the

action is brought to recover a sum of money, or ten per centum of the value of the property as fixed by the judgment, when the action is brought to recover a chattel, but not in any case to exceed twenty-five dollars in all.

3. If a judgment of non-suit is rendered for defendant without trial, to the defendant two dollars.

4. If a judgment is rendered for defendant after trial, except as specified in the next subdivision, to the defendant five dollars; and the court in its discretion, may allow five dollars additional.

5. If an affirmative judgment is rendered for the defendant, to the defendant the same sum as if he had been a plaintiff.

6. No costs or fees shall be allowed or incurred in an action brought upon a judgment of this court, unless such action be brought more than five years from the recovery of the judgment sued on.

§ 13. Jurisdiction of city court and city judge in criminal cases.

1. The city judge in all criminal actions and proceedings and special proceedings of a criminal nature for and on account of offences committed or charged to have been committed within the city shall have all the jurisdiction and authority which a justice of the peace of a town would have if such offence were committed or charged to have been committed in a town, including bastardy proceedings, in which latter proceeding it shall not be necessary for the city judge to associate with himself another magistrate. And the city court shall possess and exercise all the powers conferred upon courts of special sessions, and shall be subject to the exercise of such powers to all provisions of law relating to courts of special sessions, and upon conviction in said court for any misdemeanor of which the court has jurisdiction the same sentence may be imposed as might be imposed were such conviction had by a court of special sessions.

2. And shall in all criminal proceedings have power and authority to hold courts of special sessions with such jurisdiction as now is or hereafter may be conferred upon courts of special sessions.

3. All powers and authority conferred upon the recorder of the city of Poughkeepsie by law or a court of special sessions therein are hereby conferred upon said city judge or the city court except as otherwise provided in this act, and where by the provisions of law now existing, exclusive jurisdiction is con-

ferred upon courts of special sessions in said city and the recorder, the city court created by this act shall have such exclusive jurisdiction.

§ 14. **When complaint shall be withdrawn; costs to be paid.**—When any complaint shall be made before said city judge in any criminal proceeding and such proceeding shall be withdrawn, the said complainant shall, if the city judge so directs, pay the costs and fees of the proceeding, and the same may be enforced by the said city judge in the same manner as provided by statute in which courts of justices of the peace can enforce and collect the same.

§ 15. **Amount of fees et cetera; deposits of fees; account of criminal business; dockets to be kept.**—The clerk of the city court shall keep an account of all criminal business done by the city court or judge, which, by law, is now made a charge upon the county of Dutchess, and at the annual meeting of the board of supervisors the same shall be audited and ordered paid to the chamberlain of the city. He shall keep an account of all proceedings of the city court or judge, and in the docket a complete and accurate record of all processes issued from and returned to said court; and of all proceedings in every civil or criminal action; and all proceedings brought therein or before the city court or judge; and shall enter therein the judgment and decision of said court or judge. Such docket shall have the same force as evidence in courts of this state as dockets of justices of the peace in towns.

§ 16. **Execution of mandates by private persons.**—The city judge or the clerk in issuing any mandates or precept, except a venire, may at the request of the party, whenever he deems it expedient so to do, empower, by written authority indorsed upon the mandate or precept, any proper person of full age, not a party to the action, to serve or otherwise execute it. For that purpose the person so empowered has all the power and authority and is subject to all the obligations and liabilities of an officer and constable; and his return is evidence in like manner as a constable's.

§ 17. **Acting city judge, designation of, et cetera, compensation.**—In case of sickness, absence from the city, disability or inability to act, of the said city judge, the mayor shall designate in writing to be filed with the city clerk, an attorney and counsellor-

at-law, residing within the city of Poughkeepsie who shall only during such sickness, absence from the city, disability or inability of the city judge, act in the place and stead of such city judge; and all the power and authority conferred upon such city judge as provided by this act is conferred upon the person so designated such acting city judge, including jurisdiction in all cases and proceedings then pending before such city judge except where actual trial has commenced; and the said acting city judge shall add in signing all processes and mandates "acting as city judge." The compensation of such acting city judge shall be such as the common council shall determine not exceeding the sum of five dollars for every day actually spent in the discharge of the duties provided for in this act, to be audited, allowed and paid by the common council upon the presentation by such acting city judge of a verified bill of items for his service. Claims for such services, if any, shall be presented to the common council monthly. And every case, action or proceeding commenced or heard by said acting city judge shall be reported by said acting city judge to the city judge immediately upon his resuming the duties of his office; but the acting city judge having entered upon the trial of an action or proceeding shall retain jurisdiction of the same until the final determination thereof.

§ 18. **The officers and services of processes, warrants and mandates, et cetera.**—All peace officers of the county of Dutchess and police officers of the city of Poughkeepsie are authorized and empowered to serve all and any mandates, warrants or processes issued by the said city judge or city court or acting city judge and said police officers are empowered with the same authority as constables of a town for all purposes and such police and peace officers are not entitled to the fees for services, which shall belong to the city of Poughkeepsie. It shall be the duty of the police board to appoint some intelligent and experienced person or persons connected with the police force to attend the city court, who shall, to such extent as the rules of said city judge may reasonably require, aid in bringing facts before the city judge in criminal proceedings pending in said city court.

§ 19. **Oaths and acknowledgments by city judge and clerk.**—The said city judge and clerk of the city court shall have the power to administer oaths and take acknowledgments within the county of Dutchess.

§ 20. **Abolishing office of justice, et cetera.**—The justice's court and the office of justices of the peace and recorder and the office of constables in said city of Poughkeepsie are hereby abolished, and shall cease to exist after the passage of this act.

§ 21. **Appointment of a new city judge in event of death or removal.**—In the event of the death or the removal of said city judge the mayor shall appoint a city judge as herein provided, for the unexpired term.

§ 22. **Transfer of cases, et cetera.**—Immediately after the appointment of the city judge as provided in this act the said recorder and the justices of the peace of the city of Poughkeepsie are hereby directed to transfer all actions and proceedings before any or either of them to said city judge and the said city judge is hereby authorized to continue the same in the same manner as if originally commenced before him.

§ 23. **Rules.**—The city judge may make rules not inconsistent with any laws of this state, to govern the practice and procedure in the city court, fixing the sum of money required as a preliminary deposit to secure prepayment of fees by parties in civil actions.

§ 24. All acts and parts of acts inconsistent with the provision of this act, are hereby repealed.

§ 25. This act shall take effect immediately.

Chap. 36.

AN ACT making an appropriation for paying interest on the canal debt.

Became a law, February 20, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred and fifty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the canal debt sinking fund' for the payment of the interest on the canal debt, as the same shall become due during the fiscal year beginning on the first day of October, nineteen hundred and two.

§ 2. This act shall take effect immediately.

Chap. 37.

AN ACT to amend the lien law, by providing for the filing of liens against funds of the state applicable to a public improvement.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," is hereby amended to read as follows:

§ 5. Liens under contracts for public improvements.—A person performing labor for or furnishing materials to a contractor, his sub-contractor or legal representative, for the construction of a public improvement pursuant to a contract by such contractor with the state or a municipal corporation, shall have a lien for the principal and interest of the value or agreed price of such labor or materials upon the moneys of the state or of such corporation applicable to the construction of such improvement, to the extent of the amount due or to become due on such contract, upon filing a notice of lien as prescribed in this article.

§ 2. Section twelve of such chapter is hereby amended to read as follows:

§ 12. Notice of lien on account of public improvements.—At any time before the construction of a public improvement is completed and accepted by the state or by the municipal corporation, and within thirty days after such completion and acceptance, a person performing work for or furnishing materials to a contractor, his sub-contractor, assignee or legal representative, may file a notice of lien with the head of the department or bureau having charge of such construction and with the comptroller of the state or with the financial officer of the municipal corporation, or other officer or person charged with the custody and disbursements of the state or corporate funds applicable to the contract under which the claim is made. The notice shall state the name and residence of the lienor, the name of the contractor or sub-contractor for whom the labor

was performed or materials furnished, the amount claimed to be due or to become due, the date when due, a description of the public improvement upon which the labor was performed and materials expended, the kind of labor performed and materials furnished and give a general description of the contract pursuant to which such public improvement was constructed. If the name of the contractor or sub-contractor is not known to the lienor, it may be so stated in the notice, and a failure to state correctly the name of the contractor or sub-contractor shall not affect the validity of the lien. The comptroller of the state or the financial officer of the municipal corporation or other officer or person with whom the notice is filed shall enter the same in a book provided for that purpose, to be called the "lien book." Such entry shall include the name and residence of the lienor, the name of the contractor or sub-contractor, the amount of the lien and date of filing, and a brief designation of the contract under which the lien arose.

§ 3. Section seventeen of such chapter, as amended by chapter twenty-five of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 17. Duration of lien under contract for a public improvement.—If the lien is for labor done or materials furnished for a public improvement, it shall not continue for a longer period than three months from the time of filing the notice of such lien, unless an action is commenced to foreclose such lien within that time, and a notice of the pendency of such action is filed with the comptroller of the state or the financial officer of the municipal corporation with whom the notice of such lien was filed, or unless an order be made by a court of record, continuing such lien, and a new docket be made stating such fact. And the supreme court of this state, or any justice thereof, or the county court of the county in which such lien was filed, or the county judge of such county, are hereby authorized to make an order continuing any such lien for a period not exceeding six months, upon the application of a lienor upon such affidavits or evidence as in the opinion of such court or judge shall be deemed sufficient. Nothing in this act contained, however, shall prevent any such court or judge from making a new order continuing such lien in each succeeding six months, if in the discretion of such court or judge the same shall be deemed just

and equitable. This section as hereby amended, shall apply to all liens under contract for public improvements, now on file, in which the time for making application to the court for a continuance thereof has not expired, when this amendment takes effect.

§ 4. Section twenty of such chapter, as amended by chapter one hundred and sixty-nine of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 20. **Discharge of lien for public improvement.**—A lien against the amount due or to become due a contractor from the state or a municipal corporation for the construction of a public improvement may be discharged as follows:

1. By filing a certificate of the lienor or his successor in interest, duly acknowledged and proved, stating that the lien is discharged.

2. By lapse of time, when three months have elapsed since filing the notice of lien, and no action has been commenced to enforce the lien.

3. By satisfaction of a judgment rendered in an action to enforce the lien.

4. By the contractor depositing with the comptroller of the state or the financial officer of the municipal corporation, or the officer or person with whom the notice of lien is filed, such a sum of money as is directed by a justice of the supreme court, which shall not be less than the amount claimed by the lienor, with interest thereon for the term of one year from the time of making such deposit, and such additional amount as the justice deems sufficient to cover all costs and expenses. The amount so deposited shall remain with the comptroller or such financial officer or other officer or person until the lien is discharged as prescribed in subdivision one, two or three of this section.

5. Either before or after the beginning of an action by a contractor executing an undertaking with two or more sufficient sureties, who shall be freeholders, to the state or the municipal corporation with which the notice of lien is filed, in such sums as the court or a judge or justice thereof may direct, not less than the amount claimed in the notice of lien, conditioned for the payment of any judgment which may be recovered in an action to enforce the lien. The sureties must together justify in at least double the sum named in the undertaking. A copy

of the undertaking with notice that the sureties will justify before the court or a judge or justice thereof at the time and place therein mentioned must be served upon the lienor, not less than five days before such time. Upon the approval of the undertaking by the court, judge or justice, an order shall be made discharging such lien. The execution of such undertaking by any fidelity or surety company authorized by the laws of this state to transact business shall be equivalent to the execution of such an undertaking by two sureties and such undertaking, if excepted to, shall justify through its officers or attorney in the manner required by law of fidelity and surety companies. Any such undertaking may be executed in such undertaking as surety by the hand of its officers or attorney duly authorized thereto by resolution of its board of directors, a certified copy of which resolution under the seal of such company, shall be filed with each undertaking. Except as otherwise provided herein the provisions of article five of title six of chapter eight of the code of civil procedure are applicable to an undertaking given for the discharge of a lien on account of public improvements.

§ 5. This act shall take effect immediately.

Chap. 38.

AN ACT to amend the county law, in relation to taxes on dogs killing or injuring angora goats.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fourteen of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter five hundred and sixty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 114. **Application of proceeds of tax.**—The collector of each town shall pay over the taxes so collected to the supervisor of the town, and the moneys so collected and paid over shall, in

each town, constitute a town fund for paying the damages arising in such town, from dogs killing or injuring sheep or angora goats; and such moneys, or the balance thereof, which shall remain in the hands of the supervisor of any town for the period of one year, may by a vote of the town board of any town, be appropriated for the purpose of building and repairing highways and bridges, or for the payment of the contingent expenses of such town.

§ 2. Section one hundred and seventeen of such chapter is hereby amended to read as follows:

§ 117. **Liability of owners of dogs for injuries.**—The owner or possessor of any dog that shall kill or wound any sheep or lambs or angora goats or kids, shall be liable for the value of such sheep or lamb, or angora goat or kid, to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him that his dog was mischievous or disposed to kill sheep or angora goats.

§ 3. Section one hundred and eighteen of such chapter is hereby amended to read as follows:

§ 118. **Duties and powers of fence viewers.**—The owner of any sheep or lambs, or angora goats or kids, that may be killed or injured by dogs, may apply to any two fence viewers of the town, village or city where such sheep or lambs, or angora goats or kids were killed or injured, who shall inquire into the matter, and examine witnesses in relation thereto, and if they shall be satisfied that the same were killed by dogs, and in no other way, they shall certify such fact, the number of sheep or angora goats killed, and the number injured, and the value of the sheep or angora goats killed or injured immediately previous to such killing or injury, the value of the sheep or angora goats after being so killed or injured, together with the amount of their fees.

§ 4. Section one hundred and twenty-one of such chapter as amended by chapter one hundred and seventy-one of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 121. **Tax to pay orders for sheep or angora goats killed.**—Whenever the amount of the orders for damages, given by the town board to the owners of sheep or angora goats killed or injured by dogs, shall exceed the amount of the dog fund in the

hands of the supervisor of such town, the town board may, in its discretion, add to the accounts of such town, the amount of such orders then due and unpaid, but the amount so added shall not exceed the sum of three hundred dollars in any one year.

§ 5. Section one hundred and twenty-two of such chapter is hereby amended to read as follows:

§ 122. When owner shall refund.—If, after receiving the amount of such damages from the supervisor, the owner of the sheep or angora goats so killed or injured shall receive or recover the value or any part thereof, from the owner or possessor of the dog or dogs doing the damage, he shall repay to the supervisor the sum so recovered. In case of his refusal or neglect, the supervisor shall bring an action therefor against him in the name of the town, which sum, when received, shall be returned to the dog fund of the town.

§ 6. Section one hundred and twenty-three of such chapter is hereby amended to read as follows:

§ 123. Dogs chasing sheep or angora goats to be killed.—Any person may kill any dog which he shall see wrongfully chasing, worrying or wounding any sheep or angora goats.

§ 7. Section one hundred and twenty-four of such chapter is hereby amended to read as follows:

§ 124. Owner to kill dog after notice.—The owner or possessor of every dog, to whom notice shall be given of any injury done by his dog to any sheep or angora goat, or of his dog having chased or worried any sheep or angora goat, shall, within forty-eight hours after such notice, cause such dog to be killed; for every neglect so to do, he shall forfeit two dollars and fifty cents, and the further sum of one dollar and twenty-five cents for every forty-eight hours thereafter, until his dog shall be killed, unless it shall satisfactorily appear to the court before which an action shall be brought for the recovery of the said penalties, that it was not in the power of such owner or possessor to kill such dog.

§ 8. Section one hundred and twenty-six of such chapter is hereby amended to read as follows:

§ 126. Who deemed owner of dog.—Every person in possession of any dog, or who shall suffer any dog to remain about his house for the space of twenty days, previous to the assessment of a

tax, or previous to any injury, chasing or worrying of sheep or angora goats, or any such attack made by a dog, shall be deemed the owner of the dog for all the purposes of this article.

§ 9. Section one hundred and twenty-seven of such chapter, as added by chapter six hundred and eighty of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 127. Penalties, collection and application of.—The penalties imposed by this article for failure to kill dogs as prescribed therein shall be collected by the supervisor of the town where they are incurred, upon complaint being made to him of such failure, in the manner provided by the town law for the recovery of penalties given by law to a town for its use. Such penalties when so collected shall be paid into the town fund provided by this article for the payment of damages incurred by dogs killing sheep or angora goats in such town.

§ 10. This act shall take effect immediately.

Chap. 39.

AN ACT to amend the statutory construction law, in relation to the performance of contracts on public holidays.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-four of chapter six hundred and seventy-seven of the laws of eighteen hundred and ninety-two, entitled "An act relating to the construction of statutes, constituting chapter one of the general laws," as amended by chapter six hundred and fourteen of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 24. Public holidays; half holidays.—The term holiday includes the following days in each year; the first day of January, known as new year's day; the twelfth day of February, known as Lincoln's birthday; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, known as memorial day; the fourth day of July, known as independence day; the first Monday of September, known as labor day, and the twenty-fifth day of December, known as Christ-

mas day, and if either of such days is Sunday, the next day thereafter; each general election day and each day appointed by the president of the United States or by the governor of this state as a day of general thanksgiving, general fasting and prayer, or other general religious observances. The term, half holiday, includes the period from noon to midnight of each Saturday which is not a holiday. The days and half days aforesaid shall be considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this state, or counties of this state. On all other days and half days, excepting Sundays, such offices shall be kept open for the transaction of business. Where a contract by its terms requires the payment of money or the performance of a condition on a public holiday, such payment may be made or condition performed on the next business day succeeding such holiday, with the same force and effect as if made or performed in accordance with the terms of the contract.

§ 2. This act shall take effect immediately.

Chap. 40.

AN ACT to amend chapter four hundred and seventy-six of the laws of eighteen hundred and ninety-four, entitled "An act empowering the northside water commissioners of a fire district in a part of the town of Waterford, county of Saratoga, to contract with electric light companies organized under the laws of this state, or with any person or persons, for lighting the streets and public highways in said district and providing for the payment therefor by assessment, levy and collection thereof upon the taxable property of such district," in relation to report of treasurer.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and seventy-six of the laws of eighteen hundred and ninety-four, entitled "An act empower-^{Act amended.}

ing the northside water commissioners of a fire district in a part of the town of Waterford, county of Saratoga, to contract with electric light companies organized under the laws of this state, or with any person, or persons, for lighting the streets and public highways in said district and providing for the payment therefor, by assessment, levy and collection thereof upon the taxable property of such district," is hereby amended by inserting therein after section five a new section to be numbered six, to read as follows:

§ 6. On or before the fifth day of November in each and every year the treasurer of said northside water commissioners shall file in the office of the town clerk of the town of Waterford an itemized statement of all receipts and expenditures, under this act, for the year ending November first, last preceding.

§ 2. Section six of said chapter four hundred and seventy-six is hereby renumbered section seven.

§ 3. This act shall take effect immediately.

Chap. 41.

AN ACT to amend chapter ninety of the laws of nineteen hundred and one, entitled "An act empowering the northside water commissioners of the town of Waterford, county of Saratoga, to contract with the water companies for sprinkling Saratoga avenue in said district and providing for the payment therefor" in relation to report of treasurer.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Chapter ninety of the laws of nineteen hundred and one, entitled "An act empowering the northside water commissioners of the town of Waterford, county of Saratoga, to contract with water companies for sprinkling Saratoga avenue in said district and providing for the payment therefor," is hereby amended by inserting therein after section four a new section to be numbered five, to read as follows:

§ 5. On or before the fifth day of November in each and every year the treasurer of said northside water commissioners shall

file in the office of the town clerk of the town of Waterford an itemized statement of all receipts and expenditures, under this act, for the year ending November first, last preceding.

§ 2. Section five of said chapter ninety is hereby renumbered section six.

§ 3. This act shall take effect immediately.

Chap. 42.

AN ACT to amend chapter six hundred and eighty-eight of the laws of eighteen hundred and ninety-three, entitled "An act empowering the Northside water commissioners of a fire district in a part of the town of Waterford, county of Saratoga, state of New York, to purchase the necessary lands in said district, and to erect a hose-house or fire building thereon, or purchase one already erected, to issue bonds for the same and providing the manner of payment thereof," in relation to report of treasurer.

Became a law, February 20, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and eighty-eight of the laws of eighteen hundred and ninety-three, entitled "An act empowering the northside water commissioners of a fire district in a part of the town of Waterford, county of Saratoga, state of New York, to purchase the necessary lands in said district, and to erect a hose-house or fire building thereon, or purchase one already erected, to issue bonds for the same and providing the manner of payment thereof," is hereby amended by inserting therein after section five a new section to be numbered six, to read as follows: Act amended.

§ 6. On or before the fifth day of November in each and every year the treasurer of said northside water commissioners shall file in the office of the town clerk of the town of Waterford an itemized statement of all receipts and expenditures, under this act, for the year ending November first last preceding.

2. Section six of said chapter six hundred and eighty-eight is hereby renumbered section seven.

§ 3. This act shall take effect immediately.

Chap. 43.

AN ACT to amend the forest, fish and game law, relative to fishing in Cassadaga and Bear lakes.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section eighty-two of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter five hundred and ninety-seven of the laws of nineteen hundred, is hereby amended to read as follows:

§ 82. Fishing in Chautauqua, Cassadaga and Bear lakes.—Fish of any kind shall not be taken in Chautauqua, Cassadaga and Bear lakes in Chautauqua county from May first to June fifteenth, both inclusive, unless by the state for purposes of propagation. Black bass, yellow bass, rock bass and muscallonge shall not be taken from December first to June fifteenth, both inclusive, except as provided in section eighty-three.

§ 2. Section eighty-three of said chapter twenty, as amended by chapter six hundred and thirty-eight of the laws of nineteen hundred, is hereby amended to read as follows:

§ 83. Chautauqua, Cassadaga and Bear lakes exception.—Muscallonge and billfish may be taken with spears, using fish houses and decoys, on Mondays and Thursdays of each week for five consecutive weeks, beginning on the first Monday of February. No such fish house, decoy or spear shall be upon the ice or waters of Chautauqua, Cassadaga and Bear lakes, in Chautauqua county, between the hours of six o'clock at night and six o'clock in the morning, or on any day except Monday or Thursday as above provided. Bullheads may be fished for and taken through the ice with hooks and line or tip-ups, in Chautauqua, Cassadaga and Bear lakes. All fish houses or other contrivances for hiding fishermen, shall at all times be open to the inspection of peace officers or protectors, and unless in actual transit from the shore to or from a fishing place are hereby declared to be a public nuisance upon the ice or waters

of Chautauqua, Cassadaga and Bear lakes at all times not herein allowed. Such nuisance may be summarily abated by any officer or private person by the destruction thereof.

§ 3. This act shall take effect immediately.

Chap. 44.

AN ACT to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of meeting temporary deficiencies.

Accepted by the city.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Mount Vernon is hereby authorized and empowered, by resolution of its body, to issue and sell bonds in the name, in behalf of and upon the credit of said city, in an amount not exceeding in the aggregate the sum of one hundred and seventy-five thousand dollars par value, so far as the same may be determined advisable and necessary by said common council, for the purpose of paying all existing claims, lawfully due and owing by said city, and also for the purpose of supplying and meeting all deficiencies now existing in the various funds of the treasury of said city, and to provide sufficient funds to liquidate the necessary expenses of said city for the current fiscal year; and the proceeds of said bonds shall be applied by said common council for the objects and purposes herein stated, and for no other purpose.

Bonds,
issue of,
authorized.

Application
of proceeds

§ 2. Said bonds shall be issued in the name and under the seal of said city, signed by the mayor and comptroller thereof, and shall be for the sum of one thousand dollars each, with interest coupons attached. They shall be payable at such time within forty years from their date, as the said common council shall determine, with interest payable semi-annually at a rate not exceeding four per centum per annum; and the principal and interest thereof shall be payable at the office of the city treasurer of said city. They shall be numbered consecutively from one to the highest number issued, and be known and designated

Bonds, how
issued, etc.

Principal,
when
payable.

as "deficiency bonds", and be in such form as the common council shall prescribe, and shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity, and of the regularity of their issue; and the comptroller of said city shall keep a record in his office of the number of each bond, its date, amount, rate of interest, when payable, and the name of the purchaser thereof.

Sale of
bonds.

§ 3. Said common council shall sell and dispose of said bonds, or any part thereof, at not less than par and accrued interest, at public auction, or by sealed proposals, after giving at least ten days notice thereof, to be published in the two official newspapers of said city at least twice, and by such other notice as the common council shall deem proper to give.

§ 4. This act shall take effect immediately.

Chap. 45.

AN ACT authorizing the common council of the city of Auburn, to complete the paving of East Genesee and Genesee streets, authorized by chapter five hundred and thirty-nine of the laws of nineteen hundred and one, and when completed to borrow money to pay for such improvement, issue the bonds of said city securing such loan, include the amount thereof, with interest thereon, in the tax budget, and levy and raise the same by taxation, as authorized by said chapter five hundred and thirty-nine, had such paving been completed in the year nineteen hundred and one.

Accepted by the city.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Auburn, shall upon the completion of the paving of East Genesee and Genesee streets between Seminary avenue and Court streets, (a contract for which has been entered into by and between said city of Auburn and the Barber asphalt paving company, in accordance with the provisions of chapter five hundred and thirty-nine of

the laws of nineteen hundred and one) and after determining the aggregate cost of said improvement, borrow the money to pay for such improvement and issue the bonds of said city, Bonds, issue of. securing such loan, and include the amount of such bonds and interest thereon, until by their terms they become due and payable, in the tax budget and levy and raise the same by taxation, as in and by said chapter five hundred and thirty-nine authorized had such paving been completed in the year nineteen hundred and one, in manner, form and amount as in and by said chapter provided, with the same force and effect in all things, as if said chapter five hundred and thirty-nine had originally authorized such action upon the completion of said paving, without limitation to the year nineteen hundred and one.

§ 2. This act shall take effect immediately.

Chap. 46.

AN ACT authorizing the paving of a portion of South street in the city of Auburn, and providing the method and means of payment therefor.

Accepted by the city.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. At any time within one year after the passage of this act, a petition may be presented to the common council of the city of Auburn by the owners of at least one-half of the lineal feet frontage of all real property (other than city property) fronting and abutting on South street in said city, between the terminus of the present brick pavement in said street and the south line of Swift street, asking that that portion of South street, together with all street intersections be paved with asphalt, one-half of the total expense thereof to be paid by the owners of real property (other than the city) fronting and abutting on that portion of said street to be paved, and the remaining one-half to be paid by the city at large and defrayed by a general tax. Upon receiving said petition, within the time herein limited, said common council may cause a survey, map, Petition may be presented. Expense, how paid. Survey and map, to be made.

Notice, publication of.

Determination, as to paving of streets.

Certified check to accompany proposals.

Contract, execution of.

plans and specifications for paving with asphalt, to be made by the city surveyor, which map shall show the number of lineal feet on South street of all lots and parcels of land fronting and abutting on that portion of said street proposed to be paved. Said common council shall, after adopting said map, plans and specifications, cause a notice to be published for at least six days in a daily newspaper published in said city, briefly describing said improvement and the manner in which it is proposed to pay therefor; that the map, plans and specifications for the same are on file in the office of the city surveyor where they can be seen and examined, and requiring all persons interested to attend the common council, at a time and place therein appointed, when an opportunity will be given them to be heard in the premises. At the time and place appointed the common council shall hear all persons interested and may thereupon make such order or determination, with reference to such paving, as to its members shall seem proper. Such paving, if ordered, shall include all street intersections and the furnishing, grading for, setting and resetting, when needed, of the curb on both sides of said street, and street intersections.

§ 2. If the common council shall determine to pave said street with asphalt, it shall cause a notice to be published for one week in a daily newspaper published in said city, and in such other papers as its members may deem advisable, describing briefly the paving to be done; that copies of the specifications and proposals for doing the work can be obtained of the city surveyor and that sealed proposals to contract therefor will be received by the mayor, for the time named in said notice. Each sealed proposal shall be accompanied by a certified check, payable to the order of the city treasurer, for such amount as the common council shall designate, to become and be the property of the city if such proposal be accepted and the person, persons or corporation making it does not, within ten days after notification of its acceptance, enter into and execute a contract to do such paving in conformity with the specifications and the proposal accepted, and execute and deliver concurrently therewith, a bond with two or more sureties, to be approved by the mayor, justifying in all in double the sum for which the person, persons or corporation proposes to do the work, conditioned for the faithful performance of such contract in all of its particulars,

by the contractor. Instead of such certified check each sealed proposal may be accompanied, in the first instance, by a bond signed by the person, persons or corporation so proposing, and by two or more sureties to be approved by the mayor, justifying in all in double the sum for which it is proposed to do the work, conditioned that if such proposal be accepted, the person, persons or corporation making the same, will within ten days after notification of its acceptance, enter into a contract with the city to do such paving, in accordance with the specifications and proposal accepted, and that the contractor will faithfully perform such contract in all of its particulars.

§ 3. At the first regular meeting after the date named in said notice, the mayor shall present to the common council all sealed proposals and all bonds and certified checks accompanying the same, received by him, and the same shall be then opened and considered. The common council may reject any or all proposals received if its members deem it for the best interests of the city so to do. If either of the proposals so received shall be regarded favorable to the city and the check or bond accompanying the same is acceptable, the common council shall accept the same and direct the mayor and city clerk to enter into a contract with the party whose proposal is accepted. Such contract shall provide for and require the contractor to keep such pavement in repair for a period of eight years after its completion without cost or expense to the city or residents upon said street therefor. The common council may appoint an inspector of such paving and fix his compensation. Proposals
opened.

§ 4. The common council may at any time during the progress of such work, pay to the contractor such portion of the contract price not exceeding the value of the work then completed, (to be certified by the city surveyor), as its members may deem advisable, but such payment if made, shall not be an acceptance of that portion of the paving then completed, or a waiver of any of the rights of the city with reference thereto. Such payments may be made from the contingent fund or the common council may borrow money, upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum, to make such payments, in which event it shall direct the mayor and city clerk to execute and deliver to the person or corporation from whom said money is borrowed, an Advances
to con-
tractors.

obligation therefor signed by them, in the name of the city, and under its seal, payable at the office of the city treasurer at the time when the contract for said paving provides the work shall be fully completed, and when due may, if the paving is not fully completed, extend the time of payment of such obligation or obligations but not beyond the time when said paving is actually completed.

Determina-
tion of
cost.

§ 5. When said paving shall have been fully completed in accordance with said specifications and contract, and so certified by the city surveyor, the common council shall at its first regular meeting after such certification is filed in the office of the city clerk, accept the same and determine the aggregate cost thereof, including the paving of all street intersections, the compensation of the inspector, the furnishing, grading for, setting and re-setting of curbs, interest paid or payable upon all obligations given as hereinbefore authorized, and all other disbursements connected therewith, and shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum, to pay for such improvement, and shall direct the mayor and city clerk to issue the bonds of the city for such aggregate amount, with interest thereon, payable semi-annually, signed by them, in the name of the city and under its seal, and payable at the office of the city treasurer in five equal installments (as near as may be) one in one year, one in two years, one in three years, one in four years and one in five years from their date. If for any reason the money needed can not be borrowed the common council shall cause coupon or registered bonds of the city, to be issued in the amounts, form, and manner, and payable at the times and place hereinbefore directed, cause them to be properly signed by the mayor and city clerk, the seal of the city attached, and delivered to the city treasurer who shall negotiate them, at not less than par and accrued interest. All bonds issued shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issue.

Power to
borrow
money.

Issue of
bonds.

Apportion-
ment of
cost.

§ 6. Of the aggregate cost so determined, the common council shall fix and determine the amount to be paid by any street railway company, whose tracks are laid in or through any portion of the street so paved, in conformity with the provisions and

requirements of its franchise, or of any existent law applicable thereto, and shall add to the one-half of the balance of such aggregate cost, so determined, interest thereon until the last installment of bonds issued therefor become by their terms due and payable, and shall, by resolution, direct the assessors of the city of Auburn to assess the total amount thereof upon the real property abutting and fronting upon that portion of South street so paved, each lot or parcel to be assessed proportionately to its frontage or number of lineal feet upon said street. The remaining one-half of said aggregate cost shall be paid by the city and the common council shall provide for the payment thereof with interest thereon, by adding one-fifth of the principal thereof, with interest accrued or to accrue on such one-half, to, and including the same in, the tax budget of each year, after the determination of the aggregate cost of said improvement, until the bonds issued in payment thereof are fully paid and retired.

City's share
of cost to
be added to
tax budget.

§ 7. Upon receipt of a copy of said resolution the assessors shall immediately proceed to assess the amount directed, upon the real property (other than city property) abutting and fronting upon that portion of South street so paved assessing each lot or parcel proportionately to its frontage or number of lineal feet upon said street, and shall make and subscribe an assessment roll thereof. Upon the completion of such assessment roll, the assessors shall give five days notice by publication in a daily newspaper published in said city, of the fact that said assessment roll is completed; that the same can be seen and examined at the office of the assessors, and that at the time appointed in said notice, which shall be within thirty days from the receipt of said resolution, they will hear the objections of persons interested. Such notice shall contain the names of all persons appearing upon such assessment roll. At the time appointed the assessors shall hear objections, at their office in the city hall, and may adjourn from time to time, not exceeding in all ten days, for that purpose. They may add to such assessment roll any property liable to assessment, which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property of their intention so to do, by mailing a copy thereof, addressed to such owner, agent or occupant at his last known place of residence, at least three

Assessment
roll to be
made, etc.

days before the final correction of such roll, or by personal service at least one day before such final correction. At the time appointed in the published notice, or upon any adjourned day, said assessors may correct or change any of the amounts in said assessment roll, by increasing or diminishing the same according to the justice of the case. The assessment roll when completed, shall be immediately filed in the office of the city clerk and thereupon the respective amounts assessed therein shall become and be liens upon the lands upon which the same are assessed. Such assessment roll shall be presented to the common council at its next regular meeting thereafter; the common council shall thereupon direct the mayor and city clerk to issue and sign the proper warrant commanding the city treasurer to collect the several amounts appearing in said assessment roll.

City treasurer to serve notice.

§ 8. The city treasurer upon receiving such warrant and assessment roll, and within ten days thereafter, shall serve or cause to be served, upon each of the persons whose names appear in said roll a notice in substance as follows:

Office of the city treasurer, Auburn, New York (give date).
To (name of owner or property assessed,)

Take notice that I have received the warrant for the collection of assessments for paving South street; that (describe property) is assessed to you in the sum of dollars (state amount) for said improvement. You are hereby required to pay said sum to me, at my office in the city hall, in five equal payments as follows; the first payment to be made on or before the first day of the month preceding the month in which the first installment of bonds issued for such improvement become by their term due and payable, namely (state date when payment required,) and one of such payments to be made on the same date in each year thereafter, until said assessment is fully paid, or in default of such payments, or either of them, the same will be collected in the manner provided by law.

(Name of city treasurer.)

City Treasurer.

Such notice may be served upon such persons either personally or by depositing the same enclosed in a sealed envelope in the post office in said city, directed to said persons at their last

known place of residence according to the best information which the city treasurer may be able to obtain, the postage thereon being prepaid. Said city treasurer shall also, commencing with or before the date of said notice, give notice twice a week for three weeks in a daily newspaper published in said city, that he has received such assessment roll and that he will receive at his office the amounts therein set forth in like manner and times as stated in the notice above described and that in default of such payments, said assessments or any installments thereof, will be collected in the manner provided by law.

Publication of notice.

§ 9. If such assessments or any installments thereof shall not be paid, when the same by the terms of said notice become due and payable, and shall not be paid previous to the collection of the next annual city tax, they shall, including six per centum per annum thereon, up to that time, be added to the annual city tax on the respective lots or parcels of land upon which said unpaid amounts are assessed and thereafter the aggregate amount, in each case, shall be regarded and described in all proceedings as "tax" and shall be collected in the same manner, with like percentage, power and effect as the city taxes of said city are collected; but the provisions of this section shall not prevent the enforcement of the lien of such assessment, as hereinafter authorized.

Interest to be added for non-payment.

§ 10. No error or mistake in the name of the owner of any lands assessed for said improvement, or the fact that the name appearing in the assessment roll for such improvement as owner of any lands is not the owner thereof, nor irregularity in advertising any resolution notice or other proceeding for which said assessment shall have been made, nor any omission of any officer, agent or contractor to carry out any detail of any resolution or contract, shall, invalidate said assessment or assessment roll, except only where fraud is shown, but the amount assessed and appearing therein as being assessed upon said lands shall nevertheless be a lien upon said lands, and such lien may be enforced and foreclosed by action, in any court having jurisdiction to foreclose mortgages upon real estate.

§ 11. The city treasurer shall keep a separate account for such improvement, to be designated as "the South street paving fund." He shall place to the credit of said fund the money borrowed or realized from the negotiation of the bonds of the city

Separate account to be kept by city treasurer.

issued to pay for such improvement together with all assessments received by him therefor, and the amount included in the tax budget each year to pay the proportion of the cost of said improvement charged upon the city, when collected. All orders drawn upon the city treasurer to pay for such improvement shall be a charge upon said fund. When the bonds issued for such improvement are due and presented for payment the city treasurer shall pay the same out of and from said fund. In case sufficient money has not been received to pay said bonds, the necessary amount shall be transferred from the contingent fund to said "South street paving fund" by the city treasurer, and thereafter the assessments or tax received for such improvement shall be used to reimburse said contingent fund, so far as the same shall be necessary for that purpose. All bonds paid by the city treasurer shall be immediately canceled and presented to the common council at its next regular meeting thereafter.

Cancellation of bonds.

§ 12. This act shall take effect immediately.

Chap. 47.

AN ACT to amend chapter eight hundred and eighty-two of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Green Island, and for other purposes," in relation to the preparation of the assessment-roll.

Became a law, February 20, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section forty-one of chapter eight hundred and eighty-two of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Green Island, and for other purposes," is hereby amended to read as follows:

§ 41. It shall be the duty of the board of trustees, on or before the first Monday of April in each year, to cause to be copied from the last preceding assessment-roll of the taxable property in the town of Green Island a list of all the taxable property within the limits of the said village, and the valuation

thereof, as fixed in said roll, which list, when so made, shall be adopted by the said board, and shall constitute and be the assessment roll of the taxable property within the limits of said village for the current year; and whenever the taxable inhabitants of said village shall, pursuant to the provisions of this act, at a general or special meeting, or whenever the trustees of said village shall, in cases where they are authorized so to do, direct any sum of money to be raised by tax, it shall be the duty of the said board of trustees to assess and apportion the amount or amounts thereof upon all persons, incorporated companies, associations and property named in said roll, in the same manner and proportion, as nearly as may be, as taxes are required by law to be apportioned and assessed upon the assessment rolls prepared by the assessors of the town of Green Island.

Apportion-
ment of
taxes.

§ 2. This act shall take effect immediately.

Chap. 48.

AN ACT to legalize certain acts of the overseers of the poor of the town of Albion, county of Orleans.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts of the overseers of the poor of the town of Albion, county of Orleans, in accepting conveyances of real property and mortgages thereon in behalf of such town, for the care and support of certain poor persons therein, and in selling and transferring such real property and discharging mortgages thereon, and in using the profits of such sales and transfers for the benefit of such poor persons, are hereby legalized, ratified and confirmed. Such conveyances, mortgages and discharges shall be of the same force and validity as though the overseers of such town had been legally authorized to accept such conveyances and mortgages and make such sales and transfers.

Acts of
overseers
of the poor
legalized.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT authorizing the city treasurer of the city of Auburn to transfer from the bridge fund of that city to its contingent fund, the sum of three thousand five hundred dollars, to be used for the contingent expenses of the city, and providing for the reimbursement of the bridge fund from excise money.

Accepted by the city.

Became a law, February 20, 1902, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City treasurer authorized to transfer money.

Section 1. The city treasurer of the city of Auburn is hereby authorized to and shall, upon being directed so to do by the common council of said city, (such action being approved by the mayor,) transfer from the bridge fund of said city to its contingent fund, the sum of three thousand five hundred dollars, to be used for contingent purposes.

§ 2. If such transfer be directed and made, said city treasurer shall take from the first money received by him, after the passage of this act, from licenses issued under the provisions of the liquor tax law, the sum of three thousand five hundred dollars, and place the same to the credit of, and in, the bridge fund, to reimburse it for the money taken therefrom under the provisions of this act.

§ 3. This act shall take effect immediately.

Chap. 50.

AN ACT to enable the city of Albany to grant an easement in, or convey, or lease a plot of ground sufficient and adequate in size from that portion of real estate belonging to the city of Albany, known as the almshouse farm, for the purpose and to be used for the erection thereon of a building for the advancement of science.

Accepted by the city.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Albany is hereby authorized and empowered to grant an easement in, or to convey or lease to Union university, or to any other properly constituted persons or authorities a plot of ground not exceeding six acres in extent of that portion of real estate, of which the city of Albany is now seized and possessed, known as the almshouse farm, which plot of ground shall be accurately defined and described by metes and bounds in the conveyance, lease or grant thereof, and which grant, lease or conveyance thereof shall be made in consideration of and upon the condition that there shall be erected upon said land so granted, leased or conveyed within five years after the execution and delivery of said grant, lease or conveyance, a building which shall be used upon completion, and thereafter to continue always to be used, for the advancement of science in some one or more of its branches under penalty of the forfeiture of said land to said city of Albany upon failure in fulfillment of said condition. The commissioner of public works shall nevertheless have authority, subject to the approval of the persons or authorities in control of said building, to lay out and maintain said premises and grounds as if the same was still a part of the lands used for park purposes. Whenever the said persons or authorities, to whom such conveyance is to be made, and who shall have charge of said building shall signify their willingness to comply with the conditions herein imposed, the mayor of the city of Albany shall execute and deliver to Union

Authority
to grant or
convey
land.

university, or to other properly constituted persons or authorities subject to the conditions and provisions mentioned a deed, lease or grant describing a plot of ground, not exceeding six acres in extent, which shall be a portion of the real estate now owned by the city of Albany, known as the almshouse farm.

§ 2. This act shall take effect immediately.

Chap. 51.

AN ACT to make the office of sheriff of Broome county a salaried office, and regulating the management of said office.

Became a law, February 20, 1902, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensation of sheriff.

Section 1. After the expiration of the term of the office of the present sheriff of the county of Broome, and thereafter, the sheriff of the county of Broome shall receive as compensation for all his services an annual salary of three thousand dollars per annum, which salary shall not be increased or diminished during the term for which such sheriff shall have been elected or appointed.

Duties.

§ 2. It shall be the duty of such sheriff to perform all the services which he is or shall be required or authorized by law to perform, by virtue of or by reason of his holding such office for the state, for the county, city of Binghamton and for individuals, including his duties as officer of the courts and keeper of the jail, and no compensation, payment or allowance shall be made to him for his own use for any such services, except the salary aforesaid.

Fees shall belong to county.

§ 3. All the fees, emoluments or perquisites which such sheriff shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive shall belong to the county of Broome. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments or perquisites for said county, and such officers shall require payment in advance for all services rendered by him, or by his under-sheriff in his or their official capacity by virtue of any law of this state or by order of the courts, or by order

of the board of supervisors of said county, or any duty that may hereafter by law be devolved upon him that is not a county charge; and such sheriff and his under-sheriff shall perform such duties as he may be able, and shall contract with such deputies as he may be able for such percentage of fees, earned by them, as shall be just and proper, and as shall be approved by the board of supervisors of said county, and shall require payment by said deputies of such proportion of fees, so earned by them to himself, for the benefit of the county of Broome.

§ 4. Said sheriff so elected or appointed shall appoint an under-sheriff who shall receive as compensation for his services, an annual salary of one thousand dollars to be paid monthly by the county treasurer.

Under-sheriff, appointment and compensation of.

§ 5. Said sheriff so elected or appointed shall appoint a jailor, who shall receive as compensation for his services, an annual salary of six hundred dollars to be paid monthly by the county treasurer.

Appointment and compensation of jailor.

§ 6. The sheriff of the county of Broome, under this act, shall be allowed annually a sum of money not to exceed four hundred dollars, for the hiring of such additional help for the proper care of the jail and the maintenance of the prisoners therein confined, as he may deem necessary. The payment of any such help shall be made monthly by the county treasurer of said county upon vouchers of parties rendering such services, duly verified by them, and certified to by the said sheriff; no such party, so employed shall however receive a sum monthly in excess of fifteen dollars.

Annual allowance for additional help.

§ 7. Each sheriff shall, within ten days after he shall have received notice of his election, or appointment, and before he shall enter upon the discharge of the duties of his office, execute to the people of the state of New York, a joint and several bond, in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the board of supervisors, as to form, manner of execution and sufficiency of sureties; the conditions thereof to be to the effect that such sheriff shall faithfully perform all the duties of his office according to law. And if any such sheriff shall neglect for thirty days to execute or file any such bond, according to the provisions of this act, his office shall thereupon become vacant. Such

Official bond.

bond shall be filed with the clerk of the board of supervisors, and by said clerk delivered to the county clerk's office in said county of Broome, and recorded therein.

Books to be kept.

§ 8. In a proper book or books, to be provided at the expense of said county, such sheriff shall keep an exact and true account of all official services performed by him or his under-sheriff or deputies, with whom he has contracted for a portion of fees, earned by them, and all moneys, fees, perquisites and emoluments received or chargeable by him or them, pursuant to law. Such book or books shall constitute a part of the records of such office, and shall at all times, during office hours, be open to the inspection, without fee or charge therefor, of all persons desiring to inspect the same.

Verified monthly statement to be transmitted to county treasurer.

§ 9. The sheriff shall, within five days after the expiration of each calendar month, transmit to the treasurer of Broome county, a statement of all services mentioned in the last section as shall have been performed by him, of the amounts properly chargeable therefor, and the moneys received by him on account thereof. Such statements shall also contain an account of the moneys actually expended by the sheriff, under-sheriff or deputies in the performance of said services, which account shall show the purpose for which such expenditures were made, and the amount of each separate item so expended. Such statements shall be verified by the affidavit of the sheriff or the person instructed and directed to receive such moneys, or making such expenditures, to the effect that the said statement is in all respects correct and true, and the said services were actually performed and the moneys therein charged were actually received, and the expenses stated to have been made were actually made for the purposes therein mentioned. The said sheriff at the time of rendering said account shall pay the sum of money so received by him to the treasurer of the county of Broome. The said sheriff, at the time of delivering to the said treasurer the statements aforesaid, shall deliver two duplicates thereof to the clerk of the board of supervisors together with the affidavit attached. The said clerk shall forthwith examine said statement, and shall, within five days, after having received the same, attach thereto his certificate certifying what amounts thereof he finds correct, and shall return the same, so certified to the said sheriff. The duplicate in the hands of the said clerk

shall be filed in his office. Upon presentation of the said statement with the clerk's said certificate attached, the county treasurer shall pay to the said sheriff the amount certified by said clerk to be correct. In case any portion of the account rendered by the said sheriff, in any month, is not allowed and certified by said clerk, the same may be presented by the sheriff, for audit to the board of supervisors at their next meeting, and the amount allowed therefor shall be paid as any other county charge.

§ 10. The jail of the county shall be kept by the sheriff of the county as now required by law. All furniture, implements, materials, food and supplies of whatever nature necessary for the custody and maintenance of the prisoners detained within the jail shall be furnished by the county of Broome. All such articles shall be purchased by the county of Broome. The sheriff shall keep, or cause to be kept, correct and itemized account of all supplies or other articles furnished for the jail, in the books to be provided for that purpose by the board of supervisors of said county.

Furniture,
imple-
ments, sup-
plies, etc.

§ 11. The board of supervisors of Broome county shall appoint annually some person or persons who shall furnish to the sheriff such items of supplies as may be requested by him in writing, providing such items are for supplies and materials necessary for the proper care and maintenance of the prisoners in such jail.

§ 12. All transportation of prisoners, furniture implements, material, tools, and supplies of whatever nature, necessary for the custody and maintenance of prisoners and persons detained in the custody of the sheriff, and employed on the highways of Broome county, shall be done, contracted for or provided by said sheriff and the accounts thereof, and the necessary disbursements in doing and providing the same and traveling and hotel bills for transporting the prisoners shall be a county charge and shall be paid by the county upon the sheriff's rendering a correct and itemized account of such disbursements made by him or contracted for by him. Such sheriff shall keep in a book, or books, provided for that purpose, at the expense of said county, each item of said amount specifying the date on which it was incurred or contracted for, whom contracted with and to whom paid, the place where paid, and for what and the

Disburse-
ments.

Account of
disburse-
ments, how
kept.

Vouchers.

purpose for which it was paid or contracted. The sheriff shall also obtain a voucher for each item incurred by him so far as practicable, and if any such item exceeds the sum of twenty-five dollars it shall be duly verified as to its correctness, and the payment thereof by the affidavit of the person furnishing the same. The sheriff shall render his statement for expenses paid or contracted for as above set forth, in the manner provided for in section nine hereof, and the certifying thereto and the payment thereof made as specified in such section.

Deputies to make quarterly reports.

§ 13. It shall be the duties of the deputies as said sheriff shall contract with for a portion of fees earned by them, to make reports to said sheriff at the end of each quarter year of the amount of fees earned by them and the proportion thereof payable to said sheriff, and within ten days from the expiration of said quarter, pay the proportion belonging to said county to said sheriff. And any officer referred to in this act who shall receive to his own use or neglect to account for any money, fees, perquisites or emoluments by this act declared to belong to and be for the benefit of the county of Broome, or who neglects to render to said county treasurer or sheriff an account of all fees received, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment or both at the discretion of the court before whom such officer shall be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Penalty for neglect.

Bonds of employees.

§ 14. The sheriff shall require bonds, subject to his approval, from his under-sheriff, jailor and deputies to secure him for the faithful performance of the duties and accounting of all fees, perquisites and emoluments.

Money to be raised by taxation.

§ 15. All sums of money to be paid by and under the provisions of this act shall be raised by taxation as the other county expenses are raised, and the salaries of said sheriff, under-sheriff, jailor and help shall be paid as salaries of other county officers are paid.

§ 16. The sheriff or under-sheriff shall perform all services required of said officers, within the limits of the city of Binghamton, and no pay shall be allowed to any deputy sheriff for services within said limits, except in extraordinary emergencies and except services for attendance at court.

§ 17. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 18. This act shall take effect immediately.

Chap. 52.

AN ACT to amend the highway law relative to the appointment of county engineers.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-five of article two of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as added by chapter three hundred and thirty-three of the laws of eighteen hundred and ninety-three, and as amended by chapter two hundred and thirty-nine of the laws of nineteen hundred and one, is hereby further amended to read as follows: Act amended.

§ 55. County engineer.—The board of supervisors of any county may appoint a county engineer, who shall be removable at its pleasure. The term of office of each county engineer so appointed shall be three years, unless sooner removed, and his salary shall be fixed by the board of supervisors and be a county charge, except that if he be employed by the state engineer and surveyor in the supervision of the construction of an improved highway pursuant to chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, such portion of his salary, during such employment, as shall be allowed by the state engineer and surveyor shall be included as an expense of the cost of construction of such improved highway, and paid in the manner provided by law for the payment of such expenses. Appointment, term of office and salary of county engineer.

§ 2. This act shall take effect immediately.

Chap. 53.

AN ACT to amend chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the improvement of public highways," relative to the maintenance of improved highways.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Acceptance of highway; maintenance.—Section twelve of chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the improvement of the public highways" is hereby amended to read as follows:

Acceptance
upon com-
pletion of
highways,
etc.

§ 12. Upon the completion of such highways, or sections thereof, so constructed by such engineer, and his acceptance of the same, and after payment has been made as herein provided, such engineer shall inform the board of supervisors of such county that the highways or sections thereof designated have been constructed as herein provided; and he may serve notice on said board to accept such highway thus constructed, which notice shall be filed in the office of the clerk of said county; and twenty days after the service and filing of said notice, such highway or section thereof shall be deemed accepted by said board of supervisors of such county; and thereafter they shall maintain the same as a county road, and may apportion the expense thereof upon the town or towns which such board deems benefited thereby; and the commissioners of highways of the town or towns, respectively, wherein such improved highways lie shall care for and keep the same in repair, under the direction and supervision of the state engineer and surveyor and such rules and regulations as he may prescribe. If any board of supervisors or any commissioner of highways shall fail or neglect to properly perform such duties within such time as may be prescribed by such engineer for the performance thereof, such engineer may cause the same to be performed and the expense thereof to be paid by the state treasurer out of any funds in his possession not otherwise appropriated, upon whom such engineer shall

Apportion-
ment of
expense.

make draft therefor, and the amount thereof shall be charged by the comptroller against the county in which such improved highway shall be located, and be included by the board of supervisors of such county in its next annual tax levy as a county charge, unless the same be apportioned as above provided, in which case it shall be included in the tax so levied upon the town or towns to which it shall be apportioned.

§ 2. This act shall take effect immediately.

Chap. 54.

AN ACT to amend the banking law, relative to the appointment of deputy superintendents.

Became a law, February 20, 1902, with the approval of the Governor
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of the banking law is hereby amended so as to read as follows:

§ 5. Deputies, clerks and examiners of the bank department.—The superintendent of banks shall employ from time to time such clerks and examiners as he may need to discharge in a proper manner the duties imposed upon him by law. They shall perform such duties as he shall assign to them. He shall fix their compensation, which shall be paid monthly on his certificate and upon the warrant of the comptroller in the first instance out of the treasury. He shall appoint a first and second deputy, who shall within fifteen days from the time of notice of their appointments take and subscribe the constitutional oath of office, and file the same in the office of the secretary of state. The duties of the second deputy shall be especially with reference to the supervision, under the direction of the superintendent, of building and mutual loan corporations or associations, co-operative loan associations, and mortgage, loan or investment corporations. In case of the absence or inability to act, or vacancy in the office of superintendent for thirty successive days, neither of his deputies shall thereafter act as superintendent until the first deputy, or in his absence, inability to

act, vacancy or failure to qualify, the second deputy shall have executed to the people of the state a bond in the penalty of fifty thousand dollars, with two sureties to be approved by the comptroller and treasurer of the state, conditioned for the faithful discharge of the duties of the office of superintendent while such deputy acts as such superintendent.

§ 2. This act shall take effect immediately.

Chap. 55.

AN ACT to amend section one hundred and forty-five of the charter of the village of Fulton, being chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-eight.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one hundred and forty-five of chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-eight is hereby amended to read as follows:

§ 145. The board of light commissioners may contract, in the name of the village, with an individual or corporation, for lighting the streets, public grounds and public buildings of the village by gas, electricity or other substance; but such contract shall not be made for a longer period than ten years, nor at an expense for each fiscal year exceeding two and a half mills on every dollar of taxable property of the village, as appears on the last preceding village assessment roll, unless authorized at a village election. The amount of such contract shall be paid in semi-annual installments, commencing with the date of the contract.

§ 2. This act shall take effect immediately.

Chap. 56.

AN ACT to incorporate the Jewish theological seminary of America.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jacob H. Schiff, Leonard Lewisohn, Daniel Guggenheim, Mayer Sulzberger, Cyrus Adler, Simon Guggenheim, Adolphus S. Solomons, Felix M. Warburg, Philip S. Henry and Louis Marshall, and their associates and successors, are hereby constituted a body corporate by the name of The Jewish theological seminary of America, in perpetuity, to be located in the city of New York, for the purpose of establishing and maintaining a theological seminary for the perpetuation of the tenets of the Jewish religion; the cultivation of Hebrew literature; the pursuit of biblical and archaeological research; the advancement of Jewish scholarship; the establishment of a library, and for the education and training of Jewish rabbis and teachers. Such corporation shall possess the general powers prescribed by the general corporation law of the state of New York, except as the same are inconsistent herewith.

Corporators.

Corporate name and objects.

Powers.

§ 2. The board of directors of said corporation shall consist of not less than ten nor more than seventeen members, as shall from time to time be fixed by its by-laws. The persons named in section one of this act are hereby appointed directors of said corporation, with power to add other persons to their number. A majority of the whole number of directors at any time in office shall constitute a quorum for the transaction of business. There shall be two classes of directors, to be known respectively as class A and class B. The persons herein named as directors, and their successors, shall constitute class A, and such other directors as shall be chosen as hereinafter provided shall constitute class B. Directors of class A shall hold office during their respective lives or until resignation or removal from office. All vacancies in said class, however created, shall be filled by the remaining members of said class. Directors of class B shall be elected or chosen in such manner and for such terms

Board of directors.

Vacancies in board.

as shall be from time to time provided by the by-laws. The directors may select from their number an executive committee of not less than five, who at intervals between meetings of the directors may transact such business of the corporation as the directors may authorize, except to grant degrees or to make removals from office.

Powers of
directors.

§ 3. The directors for the time being shall have power to grant and confer the degrees of rabbi, hazen, master and doctor of Hebrew literature, and doctor of divinity, and in testimony thereof to award suitable diplomas, and also to award certificates of proficiency to persons qualified to teach in Hebrew schools.

Authority
to consoli-
date with
other cor-
porations.

§ 4. Such corporation is authorized and empowered to consolidate with any other corporation or corporations, association or associations, having the same or similar objects and purposes now existing or hereafter to be formed under the laws of this state, or of any other state, by the affirmative vote of at least two-thirds of its directors, on such terms and conditions, not inconsistent herewith, as shall be specified in an agreement with the corporation or corporations, association or associations, with whom such consolidation shall take place, to be executed in duplicate by the assenting directors of the corporation hereby constituted and under the respective corporate seals of this corporation and of the corporation or corporations, association or associations, so consolidating, one of which shall be filed in the office of the secretary of state of this state and the other in the office of the clerk of the county of New York. Thereupon the said consolidated corporation shall be possessed of all of the powers herein provided for, and shall be vested with the title of all of the property of the corporations and associations so consolidating without any other deed or transfer.

Agreement,
execution
and filing
of.

Grants and
gifts to
corporation.

§ 5. The corporation hereby constituted is authorized and empowered to take by deed, gift, conveyance, lease, devise or bequest real and personal property to the extent of three millions of dollars, and to hold and devote the same and the income arising therefrom for its proper uses and purposes.

§ 6. This act shall take effect immediately.

Chap. 57.

AN ACT to create a board of equalization in and for the county of Columbia.

Became a law, February 20, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be created and established in and for the county of Columbia a board of equalization, consisting of three commissioners of equalization, not more than two of whom shall be adherents of the same political party, each of whom shall hold office for the term of three years from the first day of September next succeeding the date of his appointment, except that a person appointed to fill a vacancy caused otherwise than by expiration of term, shall hold office for the balance of the unexpired term.

Board of
equaliza-
tion
created.

§ 2. One of such commissioners shall be a resident of the city of Hudson, one shall be a resident of one of the towns in said county outside of the city of Hudson, and one shall be a resident of the third judicial district, outside of the county of Columbia; and if any commissioner shall remove into the city or town wherein another commissioner resides, or if the commissioner appointed from the city of Hudson shall remove therefrom, or if the commissioner appointed from outside said county shall remove into said county, the term of office of the one so removing shall at once become vacant.

Residence
of commis-
sioners.

§ 3. On or before the first day of August, nineteen hundred and two, the county judge of Columbia county shall appoint three commissioners of equalization, subject to the provisions and limitations of this act as to their qualifications. In each third year thereafter the board of supervisors of said county shall, at its annual session in like manner and with like limitation, by the concurring vote of at least two-thirds of all the members of said board, appoint three commissioners to hold office for three years. If at any session of the board of supervisors at which, according to the provisions of this act, commissioners are to be appointed, said board for any reason shall fail to appoint such commissioners, before the final adjournment of

Commis-
sioners, ap-
pointment
of.

Vacancies,
how filled.

such session, the clerk of said board shall, within thirty days give the county judge of said county written notice of such failure to appoint, and the county judge shall, on or before the first day of August next succeeding, appoint such commissioners. If the office of any commissioner shall become vacant before the expiration of his term, the vacancy shall be filled for the balance of the unexpired term by said board of supervisors, in like manner as in making an appointment for a full term, except that such appointment may be made at a special session of said board. If said board shall omit or neglect to make such appointment to fill such vacancy for the space of thirty days after said vacancy occurs, such vacancy shall forthwith be filled by the appointment of a commissioner by the county judge.

Official
oath.

§ 4. Each commissioner shall, within ten days after receiving notice of his appointment and before entering upon the discharge of his duties, take the constitutional oath of office and file the same in the office of the clerk of Columbia county.

Compensa-
tion.

§ 5. Each commissioner shall be paid for his services five hundred dollars per year, which sum shall include all expenses incurred by such commissioners in the discharge of their duties.

Duties

§ 6. Between the first day of September and the first day of December in each year, the commissioners shall examine the assessment rolls of the several towns in their county and shall visit each town therein for the purpose of ascertaining whether the valuations in one town or ward bear a just relation to the valuations in all the towns and wards in the county, and they may increase or diminish the aggregate valuations of real estate in any town or ward by adding or deducting such sum upon the hundred as may, in their opinion, be necessary to produce a just relation between all the valuations of real estate in the county, but they shall in no instance reduce the aggregate valuations of all the towns and wards below the aggregate valuations as made by the assessors.

Report.

§ 7. On or before the first day of December in each year, the commissioners shall file with the clerk of such board of supervisors their report of the equalized valuations of real estate, signed by a majority of such commissioners, and the same shall be binding and conclusive on such board of supervisors as an equalization of the assessments of real estate for such year.

§ 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 58.

AN ACT to amend chapter five hundred and twenty-six of the laws of nineteen hundred, entitled "An act authorizing the city of Schenectady to issue bonds to the amount of seventy-five thousand dollars to raise money for high school purposes," by increasing the amount to be raised by said city for such purposes.

Accepted by the city.

Became a law, February 24, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and twenty-six of the laws of nineteen hundred, entitled "An act authorizing the city of Schenectady to issue bonds to the amount of seventy-five thousand dollars to raise money for high school purposes," is hereby amended to read as follows: Act amended.

§ 1. The common council of the city of Schenectady is hereby authorized to issue one hundred and thirty-five bonds of said city under its corporate seal for the sum of one thousand dollars each, bearing interest at the rate of four per centum per annum, payable semi-annually, which bonds shall be payable at such time or times within thirty years as the said common council shall direct and shall pledge the faith and credit of said city for their payment and shall be signed by the mayor and the treasurer of said city, which bonds may be issued upon the request of the board of education of the city of Schenectady to said common council and in such amount or amounts not exceeding one hundred and thirty-five thousand dollars in the aggregate as said board shall request. Authority to issue bonds.

§ 2. This act shall take effect immediately.

Chap. 59.

AN ACT to amend the state finance law, in relation to the acceptance of certain trusts by the comptroller in behalf of the state.

Became a law, February 24, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to state finance, constituting chapter ten of the general laws," is hereby amended by adding to article one thereof a new section, to be section thirty-nine and to read as follows:

§ 39. **Acceptance of trusts by comptroller.**—The state comptroller may accept and hold in behalf of the state, if for the public interest, a gift, devise or bequest to the state of New York, heretofore or hereafter made in trust, for the support of the common and union free schools of the state or of any school district or municipality therein. He shall cause such gift, devise or bequest to be kept as a distinct fund, and shall invest the same in the stocks and bonds of the United States or of this state, for the payment of which the faith and credit of the United States or of this state are pledged, or in the stocks or bonds of any county, town, city, village or school district of the state authorized by law to be issued. The comptroller shall annually pay the income thereof to the superintendent of public instruction, who shall cause such income to be distributed in accordance with the terms of such gift, devise or bequest.

§ 2. This act shall take effect immediately.

Chap. 60.

AN ACT to simplify the procedure, facilitate the settlement and reduce the expenses of receivers on dissolution of monied corporations.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever the attorney-general shall commence an action against a monied corporation upon the information of either the superintendent of insurance, or the superintendent of banks, for the dissolution or sequestration of the property or annulment of the charter of a corporation formed under or subject to the banking or insurance law, and shall be satisfied that it is unsafe and inexpedient for such corporation to continue doing business, the supreme court may, on his application, in a case provided by law, appoint a receiver thereof, and may on such appointment grant an injunction restraining such corporation from carrying on its business until the further order of the court. The court may, in its discretion, dispense with notice of the application.

Receiver,
appoint-
ment of.

§ 2. The court, on granting an order without notice, either for the appointment of a receiver or for an injunction, or for both forms of relief, as herein provided, shall make an order that the corporation so proceeded against show cause at a term of the court to be held not more than thirty days thereafter, why such receiver and injunction should not be permanent. Such order shall be served not less than eight days before the date upon which the hearing thereon is to be had. Unless the court otherwise directs, the receiver appointed in the first instance shall be permanent receiver of such corporation, and the injunction shall be continued during the pendency of the litigation. Such receiver shall, unless otherwise ordered by the court, continue to act as such up to and after final judgment, and until the affairs of the corporation shall be finally settled and its property distributed by him according to law. The bond to be given by the receiver on his appointment shall be fixed at such sum and so conditioned as that it shall continue in

Order to
show cause

Bond.

force and effect until the final discharge of such receiver, including any liability which may be incurred by said receiver by virtue of his appointment as such in the final judgment, in case he shall be so named therein.

Inventory
and ap-
praisal.

Appraisers,
appoint-
ment of.

§ 3. It shall be the duty of the receiver to take an inventory and make an appraisal of the assets and property of the corporation. In case the corporation is subject to the banking law, two disinterested appraisers shall be appointed by the superintendent of banks to aid in this duty, and in case the corporation is subject to the insurance law, such appraisers shall be appointed by the superintendent of insurance. Ten days' notice of such inventory and appraisal shall be given to the corporation and such inventory and appraisal shall be completed and filed with the clerk of the supreme court in the county in which the trial is to be had, within ninety days after the appointment of such receiver, and a certified copy thereof in the office of the attorney-general, and in the office of the superintendent of banks, or in the office of the superintendent of insurance, as the case may be, unless for good cause shown the officer appointing such appraisers shall, in writing, extend the time for the completion thereof. Such appraisers shall receive as compensation a reasonable sum, not exceeding fifteen dollars per day and actual and necessary expenses, to be paid by the receiver upon the approval of the officer by whom they were named. The receiver shall be chargeable with the amount of such inventory and shall be relieved therefrom to the same extent and upon the same grounds as in the like case of an executor. He shall proceed, immediately upon his appointment, to convert the assets of the corporation into cash.

Compensa-
tion of
appraisers.

Counsel.

§ 4. The receiver may employ not to exceed one counsel and may make such payment upon account for legal services during the progress of the receivership as shall be just and proper, but no such payment on account shall be made to any counsel except upon the approval thereof in writing by the attorney-general, and such payments shall be subject to the order of the court in whole or in part upon the final settlement of the receiver's accounts to the same extent as the accounts of general assignees are subject to revision and allowance; but no compensation shall be allowed to an attorney for a receiver unless an agreement for his compensation has been made in

writing, upon the approval of the attorney-general. Additional counsel shall be employed only upon the written approval of the attorney-general.

§ 5. Within thirty days after a receiver qualifies he shall cause to be published, once a week for twelve weeks in a newspaper published at the principal place of business of the corporation, a notice to all creditors of the corporation to present their claims to such receiver at his place of business within fifteen days after the last publication of such order. He shall also mail a copy of such notice to all the creditors of the corporation known to him or as shown on the books of the company, at their last known place of residence. The receiver shall have the same power and authority with reference to the allowance or rejection of claims as is given to executors, and no reference shall be had to pass upon claims except such as may be disputed by such receiver. In case any claim shall be disputed, the receiver shall immediately upon the expiration of the time for the presentation of claims, upon notice to the parties whose claims have been rejected, apply to the court for the appointment of a referee to hear and determine as to the allowance thereof. Claims allowed by the receiver shall be subject to objection upon the final settlement and their validity may be determined as the validity of claims against estates are determined upon final settlement by a surrogate.

Publication
of notice

Disputed
claims.

§ 6. The receiver may apply for a final settlement of his accounts and an order for distribution at any time after the expiration of six months, and shall so apply within eighteen months after qualifying as such. The attorney-general or any creditor, or party interested, may apply for an order that the receiver show cause why an accounting and distribution should not be had at any time after the expiration of one year after the receiver qualifies; and it shall be the duty of the attorney-general, after the expiration of eighteen months from the time the receiver enters upon his duties, in case he has not applied for a final settlement of his accounts, to apply for such an order on notice to such receiver. In case of such application by a party other than the receiver, the court shall direct the receiver to take steps to account with all convenient speed. The receiver is not required or authorized to file any account, except as herein provided, except by special order of the court.

Application
for final
settlement.

Assets to be
converted
into cash.

§ 7. Upon any accounting by the receiver, after the expiration of the time for creditors to present claims, the court shall direct the receiver to immediately convert the entire assets of the corporation in his hands into cash, in case any of the assets have not been so converted, unless good and sufficient cause to the contrary shall appear to the satisfaction of the court, such as to authorize an order granting the receiver additional time for that purpose, and upon any such accounting the court shall direct the receiver to distribute the assets of the corporation in his hands to the persons entitled thereto, except so much thereof as may be necessary to be retained for the purpose of administering the trust and making payment upon contested claims, and upon such claims as may thereafter be presented and entitled to be paid.

Account
and state-
ment, when
and where
to be filed.

§ 8. The receiver shall file his account, together with a statement of the items and amounts claimed by his counsel, up to that date with the court and a duplicate thereof, together with the vouchers with the attorney-general, at least thirty days before the time fixed for his final settlement and accounting, and the attorney-general shall serve upon the attorney for the receiver any objections he may have to the account, or to the statement as to the items and amounts claimed by counsel for compensation, appearing in such account on or before such hearing. The receiver shall also within ten days after the filing of the account, mail to each creditor of the corporation a notice of the time and place of the filing of his account, and a notice of the time and place of the presentation of the account to the court. Unless objection is made to the items of the account by a creditor or on behalf of the attorney-general, no referee shall be appointed to pass thereon, but the same shall be examined and settled by the court. In case objection is made a referee may be appointed to take the testimony and report the same to the court.

Act
applicable.

§ 9. This act shall apply to all actions for the appointment of receivers of monied corporations brought by the attorney-general, and to all receivers of such corporations heretofore or hereafter appointed, and to the settlement and adjustment of their accounts and distribution of assets in their hands, and all proceedings with reference thereto hereafter to be taken, and shall supersede and repeal all provisions of law incon-

sistent herewith, so far as the same relate to actions for the sequestration, annulment or dissolution of monied corporations. As to all other corporations and as to matters not affected by this act, provisions of law heretofore existing shall remain in full force and effect.

§ 10. In all cases where a receiver has qualified more than eighteen months before the passage of this act, and no proceedings have been taken for a final settlement, of his accounts, the attorney-general shall, within thirty days after the passage hereof, apply to the supreme court, upon notice to such receiver, for an order to show cause why such receiver should not present his accounts for final settlement and adjustment, with a view to the distribution of the assets of the corporation in his hands. Such proceedings shall thereafter be had therein as are heretofore provided by this act. Whenever the attorney-general shall apply for an order to show cause why an accounting should not be had by a receiver by reason of his failure to so account within twelve months after his appointment, and shall deem it advisable to designate counsel to act on his behalf, the court may, upon the accounting, make a reasonable allowance by way of counsel fee to counsel so designated. Designation of counsel.

§ 11. This act shall take effect immediately.

Chap. 61.

AN ACT to repeal chapter one hundred and seven of the laws of eighteen hundred and seventy-five, entitled "An act in relation to the treatment of animals."

Became a law, February 26, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and seven of the laws of eighteen hundred and seventy-five, entitled "An act in relation to the treatment of animals," is hereby repealed. Act repealed.

§ 2. This act shall take effect immediately.

Chap. 62.

AN ACT to amend chapter four hundred and eighty of the laws of eighteen hundred and ninety-four, the title of which was amended by chapter sixty-seven of the laws of nineteen hundred, to read "An act in relation to the village of Fredonia, originally incorporated by chapter three hundred and fifty-one of the laws of eighteen hundred and twenty-nine," in relation to the collection of taxes, paving, and the issue of bonds, also in relation to rebate for cement sidewalks.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Subdivision thirteen of section fifteen of article two of chapter four hundred and eighty of the laws of eighteen hundred and ninety-four, the title of which was amended by chapter sixty-seven of the laws of nineteen hundred, to read "An act in relation to the village of Fredonia, originally incorporated by chapter three hundred and fifty-one of the laws of eighteen hundred and twenty-nine," is hereby amended to read as follows:

13. To organize fire companies and provide for the purchasing and repairing of fire engines, and all other necessary implements and apparatus for extinguishing fires, and to purchase, erect and maintain suitable houses in which to keep them, and may, in their discretion, issue the bonds or other obligations of the village in an amount not exceeding ten thousand dollars, for the construction of needed buildings for the fire department. Such bonds or other obligations shall be payable within ten years from the date of issue and may be made payable in equal annual installments. They shall bear interest at a rate not exceeding five per centum per annum and be sold at the best terms obtainable, not less than par.

§ 2. Section one of article four of such act is hereby amended to read as follows:

§ 1. Petition.—The owners of the majority of lineal feet frontage along any street or portion of a street of said village, including the village, may petition the board of trustees to

improve such street or portion of a street by paving or macadamizing, and each petitioner may state therein the form of improvement which he prefers, whether macadam or paving, and if paving, the material to be used therefor. If frontage property is owned by a corporation the petition of such corporation shall be made by an officer thereof duly authorized by resolution of its board of directors. If frontage property is owned or controlled by the village, the petition of the village shall be made by an officer duly authorized by resolution of the board of trustees. Such petition shall be filed with the village clerk and upon the receipt thereof shall be referred to an engineer appointed by the board of trustees.

§ 3. Section two of article four of such act is hereby amended to read as follows:

§ 2. Report of engineer.—Such engineer shall certify to the board of trustees the number of feet frontage represented by the petitioners in such petition, the whole number of feet frontage adjacent to such section improvement, counting the frontage on both sides of the street, exclusive of the intersecting and abutting streets and of property owned by non-residents, the number of feet owned by each of such resident petitioners, the number of feet owned by persons who elected macadam, the number of feet owned by persons who elected pavement, and the amount in feet of the majority. If the persons electing pavement shall specify the kind of pavement preferred, such engineer shall ascertain whether the persons voting for pavement with any specific material are owners of more than one-half of the foot frontage represented by those who voted for paving. If he finds they are such majority owners, he shall certify the number of lineal feet represented by the persons who voted for pavement with such specific material and also the whole number of feet represented by persons who voted for different paving material.

§ 4. Section three of article four of such act, as amended by chapter sixty-seven of the laws of nineteen hundred, is hereby amended to read as follows:

§ 3. Action of board of trustees.—If after the return of such engineer the board of trustees find that the persons representing the majority of the lineal feet frontage upon said street or portion of a street, not counting property owned by non-

residents, have petitioned in favor of improving such street or portion of a street, by macadamizing or paving, the board shall have the power to cause such street, or portion of street to be graded and macadamized, or remacadamized, or graded and paved or repaved, and have power to purchase the necessary machinery, tools and implements necessary for that purpose, as provided by this article. When the cost and expense of such improvements shall exceed the sum of one thousand dollars the work shall not be ordered, except by the concurring vote of a majority of all the members elected to the board of trustees, nor until the adjoining owners, either in their original petition or in a supplemental petition, have had an opportunity to elect between paving and macadam, as provided in section one of this article. If a majority of the petitioners elect macadam, the board of trustees may order such street or portion of a street to be macadamized. If a majority of the petitioners elect paving, the board of trustees may order such street or portion of a street to be paved, with the specific material stated in such petition by the persons owning a majority in feet front of the whole number of feet frontage electing pavement, if a majority so agree as to any specific material. If the paving petitioners do not agree by the majority of lineal feet represented by them as to the specific paving material to be used and are unable to agree within fifteen days after the petition is delivered to such engineer, the board of trustees shall determine upon the specific material to be used for such pavement.

§ 5. Section fourteen of article four of such act as amended by chapter sixty-seven of the laws of nineteen hundred, is hereby amended to read as follows:

§ 14. Assessments; how made.—The board of assessors appointed for the purpose by the board of trustees shall make an assessment-roll, wherein they shall briefly describe and designate the land on which an assessment is made and assess the amount fixed by the board of trustees as has been provided in the previous sections of this article, and shall set in the last column of such roll, opposite the name of the person, corporation or association and property assessed, the amount of tax assessed upon such person, corporation or association and property. After such assessment-roll is completed it shall be left with the village clerk and notice thereof given in

one or more newspapers published in said village, also that said roll can be examined by any person interested for a period of ten days from the first publication of such notice. After the expiration of said ten days the trustees shall hold a meeting to hear the application of any person conceiving himself or herself aggrieved and for the correction of such roll, and the date, hour and place of said meeting shall also be announced in said published notice.

§ 6. Section one of article eight of such act is hereby amended to read as follows:

§ 1. **Acquisition of property for.**—The village of Fredonia, for the purpose of securing and establishing a public library, for the use and benefit of the inhabitants of said village, is hereby authorized to take by deed or other suitable articles of conveyance, or transfers, and hold forever for the use and maintenance of such library, to be known as the Darwin R. Barker library association of Fredonia, New York, all such real and personal property as shall from time to time be donated to the said village for the use and benefit of said library. The several donors for the use and benefit of said association may, in their deeds or articles of donation, specify the terms and conditions of their several donations, and the said village by a vote of a majority of its trustees may accept or reject donations, with or without conditions, as to them seem best for the interest of the village and the association. Whenever any such donation is once accepted, as hereinabove provided, then the said village must hold the same subject to the terms accompanying the donation. The trustees may, in their discretion, issue the bonds or other obligations of the village in an amount not exceeding three thousand dollars for the purchase of a suitable site for a new library building. Such bonds or other obligations shall be payable within ten years from the date of issue and may be made payable in equal annual installments. They shall bear interest at a rate not exceeding five per centum per annum and be sold at the best terms obtainable, not less than par.

§ 7. Section two of article nine of such act is hereby amended to read as follows:

§ 2. **Assessment-roll.**—The clerk of the village of Fredonia shall each year copy from the assessment-roll of the town of

Pomfret for that year, within ten days after the time in which the town assessors are required by law to complete the assessment-roll and to give notice of review thereof, the assessments of the valuation of all the real and personal property within the corporation limits of the village of Fredonia, which copy, so made by said clerk, shall forthwith be filed in the office of the clerk of said village, for inspection of any party interested. The trustees of said village shall meet on the day on which the assessors of the town are by law required to meet to review their assessments, and said trustees shall have full authority for said village, to review, correct and complete said assessment-roll as copied by said clerk, and to change the same to correspond with the assessment-roll of the town assessors as changed by them upon review. The amount of valuation copied from the town assessment-roll shall not be changed by said trustees, except as herein provided. The trustees of the village shall give, as near as practicable, the same notice and in the same manner of their meeting to review the assessment-roll for said village as town assessors are by law required to give of their meeting for review of town assessments. If any real estate in said village is overlooked or omitted from the town assessment-roll the trustees may put the same upon the assessment-roll of the village, and fix its valuation and apportionment for taxation, but no real estate shall be added to said village roll without notice in writing is served upon the owner or occupant of said land, at least ten days before the meeting of said trustees for review of their intention to consider and act upon the taxation of said property. Said notice may be served personally upon the owner or occupant and left at his place of residence, or sent by mail properly inclosed postpaid to the post-office address of said owner or occupant. Said village assessment-roll, so made and reviewed as hereinafter provided by the trustees of the village, shall be the basis on which all taxes for general purposes shall be taxed and apportioned until the completion of the roll for the next year. The annual warrant for the collection of general taxes for the village of Fredonia shall be issued to the collector on or before September fifth each year. The trustees may, in their discretion, determine that the school taxes in such village shall be separately levied and collected. If the trustees shall so deter-

mine, they shall, upon the completion of the assessment-roll as provided by this section, cause a correct copy thereof to be made, and shall levy thereon the taxes required in pursuance of law, by the board of education of union free school district, number eight, of the town of Pomfret. The annual warrant for the collection of the school taxes levied on such separate roll shall be issued to the collector on or before January fifth each year.

§ 8. Section one of article five of such act is hereby amended to read as follows:

§ 1. **Repairing sidewalks.**—The board of trustees shall direct the manner of making and repairing sidewalks and crosswalks in said village, and whenever any person owning or occupying any lands adjoining any highway or street within the limits of said village shall, with the consent of the trustees of said village, or a majority of them, grade and flag or construct a stone or cement sidewalk within such highway or street along the line of such lands so owned or occupied, of the width of four or more feet, it shall be the duty of said trustees to examine the same when finished, and if found satisfactory in construction and material, to credit such owner or occupant therefor so much on account of his or her assessment for highway tax in said village as such trustees shall deem necessary to pay, not to exceed three-fourths of the actual and necessary expense of constructing such sidewalk, and deliver to said owner or occupant their certificate of the amount of such credit; but such credit shall in no case be less than three dollars per lineal rod for the amount of said walk so constructed and finished. If said trustees find said walk or walks to be of less value than four dollars per lineal rod, then they are to give no credit whatever for the construction of the same. The trustees of such village shall thereafter exempt the owner or occupant of such lands from highway taxes in said village till the amount of such exemption shall be equal to the sum of the credit for which said certificate was allowed. In cases where there is no stone or cement walk in front of premises having a frontage upon any street in said village not exceeding one hundred and fifty feet, owned and occupied by one party, and where stone walks have been constructed under this act on each side up to the line of said owner the trustees of said village may, by resolution, direct said owner or occupant, within sixty

days after service upon said parties of said resolution, to construct upon the whole front of said premises adjoining any street, a stone or cement walk, as provided for in this act, and if said party shall not, within sixty days, construct and lay said walk, the trustees of said village may construct said walk and charge the cost and expenses thereof to the party owning the land abutting upon said walk, and the same shall be a lien and charge upon the land, and may be collected as other taxes are collected. Said party shall have the certificates and credit and exemption, after payment of said walk to said village, as if said party had voluntarily constructed said walk under this act.

§ 9. This act shall take effect immediately.

Chap. 63.

'AN ACT to incorporate the city of Fulton.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

THE CHARTER OF THE CITY OF FULTON.

- Title** **I. Incorporation; boundaries; civil divisions; definitions. (§§ 1-5.)**
- II. City officers; eligibility; elections; appointments; terms of office; compensation; filling vacancies. (§§ 7-18.)**
- III. City officers; their general powers and duties. (§§ 20-37.)**
- IV. The common council. (§§ 40-56.)**
- V. Department of public works; local improvements; streets; highways; paving of streets and construction of sidewalks. (§§ 60-73.)**
- VI. Water works; sewers and lights. (§§ 80-97.)**
- VII. Board of fire and police commissioners, and fire and police departments. (§§ 110-137.)**
- VIII. Department of public instruction. (§§ 150-167.)**
- IX. The board of health. (§§ 175-179.)**

- Title** **X.** Department of charities. (§§ 180-186.)
 XI. Department of justice. (§§ 190-209.)
 XII. Department of law. (§§ 220-225.)
 XIII. Actions by and against the city. (§§ 230-232.)
 XIV. Assessment and taxation. (§§ 240-262.)
 XV. Offices abolished and vacated. (§§ 270-272.)
 XVI. General provisions. (§§ 275-291.)
 XVII. Miscellaneous provisions. (§§ 300-311.)

TITLE I.

INCORPORATION; BOUNDARIES; CIVIL DIVISIONS; DEFINITIONS.

- Section** **1.** Short title; public act.
 2. Boundaries of the city.
 3. Corporate name and powers.
 4. Division into wards; ward boundaries.
 5. Definitions.

Section 1. Short title; public act.—This act is a public act, and shall be known as the charter of the city of Fulton.

§ 2. Boundaries of the city.—The territory within the following boundaries shall constitute the city of Fulton, to wit: Commencing at the northwest corner of G. C. Newkirk's location, thence easterly along the northerly line of said location to the northeast corner thereof; thence southerly along the easterly line of said location until said line intersects the stream of water known as Waterhouse creek; thence up the said creek along the center thereof until the same intersects the center line of Fay street; thence southwesterly along the center line of Fay street until it intersects the east line of lots numbers thirteen, fourteen and fifteen of Harper's location; thence south along the east line of said lots until it intersects the east line of First street; thence southeasterly along the east line of First street, now known as the East River road, to the intersection of the south line of lot number eleven of Harper's location; thence east along the south line of said lot number eleven to the southeast corner of said lot, which corner is also the northeast corner of lot number twelve of Harper's location; thence south along the east line of said lot number twelve and said east line projected, to the center of the Oswego river; thence along the center of the Oswego river until the center line thereof intersects the projec-

tion of the south line of lot number four of the town of Granby; thence westerly to and along the south line of said lot number four to the southwest corner of said lot; thence northerly along the west line of said lot number four to the center line, drawn east and west, of lot number three, Granby; thence westerly along said center line of said lot number three to the westerly line of said lot number three; thence northerly along the west line of said lot number three to the south line of lot number seventy-five, Granby; thence east along the south line of said lot number seventy-five to a point intersecting a projection of the center line of D street, as the same is laid down on the official map of the village of Oswego Falls, made by O. C. Breed, dated January ten, eighteen hundred and ninety-six, adopted by the board of trustees of the village of Oswego Falls January twenty-three, eighteen hundred and ninety-six, and a copy thereof filed in the Oswego county clerk's office January twenty-three, eighteen hundred and ninety-six, which point is about thirty-one chains and fifty links westerly of the northwest corner of lot number four, Granby; thence northerly along said projected line and the center line of said D street until the same intersects the center line of Hannibal street; thence westerly along the center line of said Hannibal street about six chains and seventy-five links to the line dividing ownerships of property lying north of said street; thence north along said line to the north line of lot number seventy-four, Granby; thence east along the north line of said lot number seventy-four to the center of the Oswego river; thence northerly along the center of the Oswego river to the place of beginning.

§ 3. Corporate name and powers.—1. The citizens of the state of New York from time to time inhabitants within the boundaries of the city of Fulton, as aforesaid, shall be a municipal corporation in perpetuity under the name of the city of Fulton. The said corporation may take, purchase, hold, sell and convey real and personal property; it may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for the erection of statues, monuments, public buildings or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and may provide for the proper execution of said trust, and

may have, use, and from time to time alter, a common seal, may sue and defend in all courts, and may do anything necessary to carry into effect the powers granted to it.

2. **Towns of Volney and Granby.**—The towns of Volney and Granby shall hereafter consist of all the territory heretofore constituting said towns, except those portions thereof embraced within the boundaries of the city of Fulton; and the territory embraced within the boundaries of said city, as hereinbefore described, shall not constitute or be a part of either of the towns of Volney or Granby.

3. **Care of poor.**—The said city of Fulton shall also be considered a town for the purposes specified in chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws." And the poor of said city shall be received and cared for in the county almshouse in the same manner and on the same terms and conditions as the poor of other towns in the county of Oswego.

4. **Succession of liabilities.**—The corporation known as the village of Fulton, and the corporation known as the village of Oswego Falls, included in the boundaries of said city, are hereby dissolved, subject to the provisions of this act. The city of Fulton shall succeed to and be vested with all the rights and property of the said villages of Fulton and Oswego Falls, and shall succeed to and be liable for all the liabilities of said village corporations, of every name and nature; and every suit, prosecution, or proceeding commenced by or against said village corporations, and pending at the time of the passage of this act, may be continued by or against and in the name of either of said villages, or, at the option of the parties thereto, the name of said city may be substituted instead of either of said village corporations, and in the name of said city all suits, actions or proceedings may be continued. All divisions of said villages into highways, streets, parks and alleys, shall remain, be and continue such highways, streets, parks and alleys in the city of Fulton; and all ordinances, rules and regulations of the boards of trustees of the said villages of Fulton and Oswego Falls, in force at the time of the passage of this act, shall be and continue to be in force, and shall have the same force, over the entire limits of the city of Fulton, as in and by this act

established, until repealed, modified or changed by the common council of said city, subject, however, to the provisions of this act. The said common council is hereby authorized and empowered, in the name, for and in behalf of the city of Fulton, to enforce all such ordinances, rules and regulations, and all contracts with said villages, including collection of debts and demands, imposition and collection of fines and penalties, prosecution and defense of all actions and proceedings, and to do, take and perform all other acts and proceedings, that may be or become necessary or proper to carry out and enforce said contracts, ordinances, rules and regulations, with the same force and to the full extent as might have been done by or on the part of the board of trustees of said villages, or by said villages; and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of any such contract, ordinance, rule or regulation, or otherwise, as well as any liability that may have arisen by reason thereof, shall remain and be the same under this act as they would have been under the village charters of said villages, and all rights and liabilities of said villages existing at the time of the passage of this act shall be in no wise affected or changed thereby; but all actions and proceedings which may be hereafter commenced to enforce or protect any such accrued or existing rights, privileges or liabilities, shall be brought and prosecuted or defended by or in the name of the city of Fulton. All rules and regulations pertaining to the government of the fire departments of the said villages, in force at the time of the passage of this act, shall remain, be and continue the same under the said city as under said village governments until repeal thereof and the adoption of other or further rules and regulations in relation thereto; and all officers and members of said fire departments of the villages of Fulton and Oswego Falls shall become and be the officers and members of the fire department of the city of Fulton, and shall perform all the duties devolving upon them as such firemen, and have and retain all the rights and privileges in the same manner and in all respects as if this act had not been passed, subject, however, to the further provisions of this act. The ownership and control of all the property and effects pertaining to or connected with the fire departments of said villages shall, by virtue of this act, vest in the city of

Fulton, in the same manner and to the same extent in all respects as the same is now vested in said villages and fire departments.

5. Revision of ordinances.—The common council of the city of Fulton shall, as soon as practicable after its organization, revise all ordinances, rules and regulations passed by any board of trustees of said villages, and under the powers in it vested by this act, make such changes, repeals, modifications and additions, and adopt such new and additional ordinances, rules and regulations not inconsistent with the laws of the United States and of this state, as may be necessary and proper.

§ 4. Division into wards; ward boundaries.—The said city shall be divided into six wards, as follows:

First ward.—All that part of said city west of the Oswego river and north of the center line of Leitch street, and the projection of said line east and west.

Second ward.—All that part of said city west of the Oswego river and south of the center line of Leitch street, and the projection of said line east and west.

Third ward.—All that part of said city east of the Oswego river and south and east of the center line of Broadway from said river to Seventh street, center of Seventh street to the center of the Oswego Falls road, known as Wells street, center of said Wells street to Emery street, and center of Emery street to the east corporate limits of the city.

Fourth ward.—All that part of said city east of the Oswego river, contained within the following boundaries: The center line of Broadway to Seventh street, center of Seventh street to Buffalo street, center of Buffalo street to Second street, center of Second street to Rochester street, center of Rochester street to the Oswego river.

Fifth ward.—All that part of said city on the east side of the Oswego river between the center line of Oneida street, and the north boundary of the fourth ward, extended easterly along the center of Wells street to Emery street, and along the center of Emery street to the corporate limits of said city.

Sixth ward.—All that part of said city east of the Oswego river and north of the center line of Oneida street.

§ 5. Definitions.—The official and fiscal year of the city shall commence with the first day of January in each year. The term

street, as used in this act, includes highways, avenues, alleys, lanes and sidewalks. The term resolution, as used in this act, includes all motions, orders, rules, regulations and by-laws, other than ordinances. The word person, as used in this act, shall be construed to include all persons, firms, companies, corporations and associations.

TITLE II.

OFFICERS; ELIGIBILITY; ELECTIONS; APPOINTMENTS; TERMS OF OFFICE; COMPENSATION; FILLING VACANCIES.

Section 7. City officers.

8. Supervisors.

9. Eligibility to city offices; vacancy created by change of residence.

10. Elective city officers enumerated; term of elective officers.

11. Appointive city officers enumerated; by whom appointed.

12. Compensation of city officers.

13. Commencement and expiration of term of office.

14. City elections.

15. Canvass of votes at city election.

16. Official salaries, when payable; fees and perquisites.

17. Suspension and removal of appointive city officers.

18. Filling vacancies.

Section 7. City officers.—The officers of the city shall be a mayor, a city judge, a chamberlain, a city clerk, a city attorney, a superintendent of public works, seven members of the board of education, a commissioner of charities, a city physician, a city engineer, a superintendent of schools, three fire and police commissioners, one chief of police, six patrolmen, three commissioners of public works, three members of the board of health, and so many commissioners of deeds as may be deemed necessary by the common council. The officers of the wards of said city shall be one alderman and one member of the board of education for each ward.

§ 8. Supervisors.—The said city shall be entitled to have three supervisors; one to be elected by the first and sixth wards, one by the fourth and fifth wards, and one by the second and third

wards. The said supervisors shall be elected at the same time that the city officers shall be elected, on the third Tuesday of April, nineteen hundred and two, and shall hold office until the first day of January, nineteen hundred and four. Their successors shall be elected at the general election on the first Tuesday following the first Monday in November, nineteen hundred and three, and each two years thereafter, and shall hold office for two years from the first day of January next following their election. The said supervisors shall have the same powers and duties as the supervisors in the towns of the county of Oswego, except as otherwise provided by this act, and shall be members of the board of supervisors of the county of Oswego. The supervisors shall receive the same compensation allowed by law, in the same manner, as other supervisors of towns.

§ 9. Eligibility to city offices.—No person shall be elected or appointed to any city office, other than superintendent of schools, unless he shall at the time be a resident elector of said city, to any ward office unless he shall at the time be a resident elector of the ward for which he is elected or appointed, nor to the office of supervisor unless he shall at the time be a resident elector of the supervisor district, except that any woman taxpayer of full age shall be eligible to hold the office of member of the board of education, provided that at the time of her appointment, if appointed at large, she be a resident of the city, or, if appointed from a ward, that she be a resident of the ward from which she is so appointed. No person shall be elected or appointed city judge unless he shall have been, for at least three years previous to his election or appointment, duly admitted to practice as an attorney and counselor in the several courts of this state. No person shall be elected or appointed to the office of mayor, or member of the board of public works, board of fire and police commissioners, or board of education, unless he or his wife, shall be the owner of real estate assessed to him or her on the last assessment roll of the city previous to his election or appointment. Whenever any officer of said city, other than superintendent of schools, shall cease to be a resident of said city, or of the district or ward for which he was elected or appointed, his office shall thereby become vacant. No person shall, at the same time, hold more than one city office in said city, ex-

cept that a commissioner of deeds may hold any other city office, except the office of mayor or city judge.

§ 10. Elective city officers enumerated; term of elective officers.

1. **Elective city officers.**—The elective city officers to be elected by the city at large shall be a mayor and a city judge; the elective city officers to be elected by each ward shall be one alderman.

2. **Term of elective officers.**—Other than as provided by this act, the term of office of the mayor shall be two years, city judge four years, alderman two years.

§ 11. Appointive city officers enumerated; by whom appointed; their term of office.—1. The appointive officers of the city of Fulton shall be a city chamberlain, a city attorney, a city clerk, a city physician, three assessors, a commissioner of charities, seven members of the board of education, three fire and police commissioners, three commissioners of public works, each of whom shall be appointed by the mayor; one chief of police, and six patrolmen, who shall be appointed by the board of fire and police commissioners; so many commissioners of deeds as the common council may deem necessary, each of whom shall be appointed by the mayor, subject to the confirmation of the common council; a city engineer and a superintendent of public works, each of whom shall be appointed by the board of public works; and a superintendent of schools, who shall be appointed by the board of education.

2. **Term of office of appointive officers.**—Other than as provided by this act, the term of office of the city chamberlain shall be two years, of the city clerk two years, of the city attorney two years, of the commissioner of charities two years, of the superintendent of schools two years, of the superintendent of public works two years, of the city engineer two years, of each member of the board of public works two years, of each member of the board of education, appointed for a ward, three years, of the member of the board of education appointed at large two years, of each police and fire commissioner two years, of each commissioner of deeds two years, of each member of the board of health two years, of the city physician two years, of the assessors two years. The chief of police and patrolmen shall hold office during good behavior, subject to the regulations of the police department.

§ 12. **Compensation of city officers.**—The mayor, aldermen, fire and police commissioners, members of the city board of health, the board of education, and board of public works, shall receive no compensation for their services. The annual salary of the city judge shall be eight hundred dollars; the annual salary of the city chamberlain shall be ten hundred dollars; the annual salary of the city clerk shall be seven hundred and twenty dollars; the annual salary of the commissioner of charities shall be three hundred and fifty dollars; the annual salary of the city physician shall be three hundred and fifty dollars; the annual salary of each of the city assessors shall be one hundred and twenty-five dollars; the city attorney shall receive an annual salary of three hundred dollars, and in addition thereto may charge and receive, in litigated cases only, such sums as are allowed by law to be taxed as costs in an action; the superintendent of public works shall receive such compensation as shall be determined by the board of public works, not exceeding an annual salary of fifteen hundred dollars; the city engineer shall receive such compensation for his services as shall be determined by the board of public works; the chief of police shall receive a monthly salary of sixty dollars; the patrolmen, other than special policemen, a monthly salary of forty-five dollars; the commissioners of deeds shall receive the compensation now provided by law to be received by them; the inspectors of election, poll clerks and ballot clerks, shall each receive two dollars per day, for each day occupied in discharging their duties under the election law. No officer of the city shall be entitled to receive from the city any compensation for his services other than provided by this act.

§ 13. **Commencement and expiration of term of office.**—Except as is hereinafter provided, the term of office of each officer of the city, elected or appointed, shall commence with the beginning of the next fiscal and official year, namely, the first day of January following a general city election, except the office of chief of police and patrolmen; and the term of office of all officers shall expire on the first day of January of the second succeeding year, except the office of chief of police and patrolman, the office of city judge and member of the board of education appointed for a ward; the term of office of the city judge shall expire on the first day of January of the fourth succeed-

ing year; the term of office of each member of the board of education appointed for a ward shall commence on the first day of January succeeding his appointment, and expire on the first day of January of the third year thereafter; the term of office of the member of the board of education appointed at large shall commence and expire with the term of the mayor appointing him.

§ 14. **City elections.**—The common council shall provide polling places, ballot boxes and other necessary apparatus and material in each election district in said city for all elections in said city, and the manner of conducting such elections shall, in all respects, conform to and be governed by the general laws of this state in respect to elections, not inconsistent with this act. At each such election, other than as herein provided, a successor shall be elected to each elective city officer, whose term of office shall expire with the year in which such election is held. Public notice of every election under this act, other than as hereinafter provided, shall be given by the common council, the notice thereof to be published in the official newspapers of said city, at least once in each week for two consecutive weeks immediately preceding the holding of such election, which notice shall designate the officers to be voted for at such election and the location of each polling place, or by such notice and in such manner as may be required by the general election laws of the state. The polls of each general election and of each special election in said city at which one or more city officials are to be elected, shall be opened and kept open and closed, in each district, as provided by the general laws of the state for general elections, and the inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk, other than as provided in this act. The city clerk shall, at least one week before the date fixed by law for the first meeting of the board of registry for a city election, notify each inspector of election, in writing, of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city, and of the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for

member of assembly, shall then and there be entitled to vote for all officers to be elected by the city at large, and for all ward officers to be elected in his ward, and the supervisor to be elected in his supervisor district. To entitle any elector or voter to vote upon a proposition to raise money by tax or by bonds, he must be entitled to vote for a city officer, and he or his wife must be the owner of property in the city assessed upon the last preceding assessment roll thereof. Except as hereinafter provided, no elector of said city shall vote in any election district except that in which he shall reside at the time he offers his vote, and shall have so resided for at least thirty days immediately prior to the election at which he offers his vote. Each ward of the city shall constitute an election district until some further division be made pursuant to the general election law.

§ 15. **Canvass of votes at general city elections.**—The common council of said city shall meet as a board of city canvassers on the next Thursday after each general city election. The city clerk shall present to the common council at said meeting, the certified statements of the result of such election in the several election districts of the city, as delivered to him by the inspectors of election of such districts. The common council shall canvass such certified statements and determine and declare, the whole number of votes cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and the person elected thereto. The person having the greatest number of votes for the respective offices shall be declared duly elected. In case of a tie the mayor and common council shall fill such office by appointment for the full term. The city clerk shall enter such determinations and declarations in the minutes of the meeting of the common council.

§ 16. **Official salaries, when payable; fees and perquisites.**—The salaries of city officers shall be payable in monthly instalments. The compensation as fixed by this act for the several officers shall be in full for all services which they shall, respectively, perform for said city in any and all capacities. All fees and perquisites received by such officers shall, other than as specially provided by this act, be paid into the treasury for the benefit of the general city fund.

§ 17. **Suspensions and removals of appointive city officers.**—The mayor, common council and each city board, having appointive powers, may remove without trial any city officer appointed by them, except members of the board of education, for dishonesty, incapacity, neglect of duty, or other irregularities, but the reasons for such removal shall be immediately filed in writing with the city clerk.

§ 18. **Filling vacancies.**—Other than as provided in this act, if a vacancy shall occur in any elective office of the city, otherwise than by expiration of term, the mayor shall appoint a person to fill such vacancy for the balance of the unexpired term. A vacancy occurring in an appointive office of the city, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authority and in the same manner as an appointment for a full term.

TITLE III.

CITY OFFICERS; THEIR GENERAL POWERS AND DUTIES.

Section 20. Official oath required by all city officers.

21. Official bond of city officers.

22. Liability of city officers for unauthorized expenditure and other official misconduct.

23. When expenditures to be by contract to the lowest bidder.

24. City officers authorized to administer oaths and take affidavits and acknowledgments.

25. General powers and duties of the mayor.

26. General powers and duties of the city chamberlain.

27. General powers and duties of city judge.

28. General powers and duties of city clerk.

29. The city attorney.

30. General powers and duties of city engineer.

31. General powers and duties of the superintendent of public works.

32. The aldermen.

33. The assessors.

34. City physician.

35. Powers and duties of supervisors.

36. Powers and duties of other city officers.

37. Payments of money must be made from and into general city fund when not otherwise provided.

Section 20. Official oath required of all city officers.—Each officer of the city shall, before he enters upon the duties of his office, take and file his official oath in accordance with article thirteen of the constitution and section ten of the public officers' law, and for omission so to do he shall be subject to all the liabilities and penalties prescribed by section forty-two of the penal code and sections thirteen, fifteen and twenty of the public officers' law. Each mayor, clerk, city judge and commissioner of deeds, shall, forthwith upon his election or appointment, file a certificate from the city clerk of his election or appointment with, and also take and subscribe the constitutional oath of office, before the clerk of the county of Oswego.

§ 21. Official bond of city officers.—Each city clerk, city engineer, superintendent of public works, commissioner of charities and city judge shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law, and for omission so to do shall be subject to the penalties and liabilities prescribed in section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law; other than as herein provided, the penal sum named in any such bond, or the sum specified in any such undertaking as the maximum amount of liability thereon, shall be fixed by the common council.

§ 22. Liability of city officers for unauthorized expenditures and other official misconduct.—No officers of said city or other person shall have power or authority to make any purchase in behalf of, or on the credit of, the city or to contract any debts or liabilities against the city, unless authorized so to do by or in pursuance of the provisions of this act, and no account, claim or demand of any kind shall be allowed or paid unless so authorized. If any officer of the city shall vote for any appropriation or for the payment or expenditure of any moneys, not authorized by or in pursuance of law, such officer shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action and shall be guilty of a misdemeanor. If the common council or any city board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the city for any purpose, exceeding the amount authorized by or in pursuance of law, to be expended in any year, by the com-

mon council or any city board, each officer voting for such resolution shall be personally liable for the amount thereof, and each officer present in the meeting at the passage of the resolution shall be deemed as voting for the resolution, unless his dissent thereto is entered upon the minutes of the meeting at which such resolution was passed, but the city of Fulton shall not be liable therefor, and neither the common council nor any city board or city officer shall pay any debt or expenditure so contracted or made. If any officer of the city authorized to make any contract in his official capacity, or to take part in making any such contract, becomes directly or indirectly interested in such contract, he shall be liable to the penalty prescribed by section four hundred and seventy-three of the penal code. If any person, having been an officer of said city, whose term of office has expired shall not within five days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to the said city, or appertaining to such office, he shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action, together with all damages caused by his neglect or refusal, and he may also be proceeded against, as provided in section two hundred and forty-seven of the code of civil procedure, and section fifty-seven of the penal code.

§ 23. When expenditures to be by contract to the lowest bidder.—Whenever any expenditures to be made or incurred by the common council or city board or any city officer in behalf of the city for work to be done, or materials or supplies to be furnished, except ordinary repairing and macadamizing of streets, shall exceed two hundred dollars, the city clerk shall advertise for and receive proposals therefor, in such manner as the common council, or as the board or officer charged with making such contract shall prescribe, and the contract therefor shall be let to the lowest responsible bidder, who shall execute a bond to said city with sufficient sureties, for the faithful performance of the contract. When the lowest bid, in the opinion of the board or officer charged with making the contract is too high, they shall have the right to reject it, and may discontinue or abandon the work or may direct the clerk to advertise for new proposals, or such work may be done by such board or

officer without public letting, if the common council by resolution consent thereto.

§ 24. **City officers authorized to administer oaths and take affidavits and acknowledgments.**—Each mayor, clerk, city judge and commissioner of deeds of the city shall have the same power and authority to administer oaths and take and certify affidavits and acknowledgments as a justice of the peace of towns in the county of Oswego.

§ 25. **General powers and duties of the mayor.**—The mayor shall be the chief executive officer of the city and shall have and exercise all the powers conferred upon him by this act. It shall be his duty to see that the laws of the state and the ordinances and by-laws passed by the common council and the boards of the city are faithfully executed within the city. He shall sign, on behalf of the city, all contracts made by it, and cause the seal of the city to be affixed thereto. He shall, when present, be the presiding officer of the common council. He shall have power and authority to call out and command the police and firemen of the city whenever, in his discretion, he shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary for the prevention or suppression of public disturbances, mobs or riots, it shall be his duty to take such action as is authorized by chapters three and four of title two, part two of the code of criminal procedure, section one hundred and sixty-two of the military code, and section twenty-one of the general municipal law. It shall be his duty to exercise a constant supervision and control over the conduct of all city officers, and he shall have power and authority to examine, at all times, the books, vouchers and papers of any board, officer or employee of said city, and to take and hear testimony and proof in pursuance of section eight hundred and forty-two to eight hundred and sixty-nine of the code of civil procedure. He may in writing filed with the city clerk designate from time to time the place in said city where he will keep his office. It shall be the duty of the mayor to communicate to the common council as soon after his election as practicable, and as often thereafter as he may deem expedient, a general statement of the affairs of the city in relation to its finances, government and improvement, with such recommendations as he may deem proper.

§ 26. **General powers and duties of the city chamberlain.**—The city chamberlain shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall provide and designate, which shall be kept open each day in the year, except Sundays and legal holidays from nine o'clock in the forenoon until four o'clock in the afternoon, except between the hours of twelve and one, and at such other hours as the common council may, from time to time direct. He shall keep separate accounts of the different funds of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not knowingly pay money from any fund which is not properly chargeable thereto. The city chamberlain shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and receipts of city moneys during the last preceding calendar month, a summary statement of the receipts and expenditures of city moneys during that portion of the current fiscal year expiring with the last day of each preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time, by the common council. An abstract of such report shall be published each month, at least once, in the official newspapers of the city. Before entering upon the duties of his office, and within fifteen days after he shall have received official notice of his appointment, the city chamberlain shall execute and file an official bond with two or more sureties or some solvent surety company, in such penal sum as may be fixed by the common council, not less, however, than twenty-five thousand dollars, in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law; and for omission so to do, he shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law. Such bond shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon, and the bond so endorsed shall be filed and recorded in the clerk's office of the county of Oswego, in the same manner as the offi-

cial bonds of town collectors, and such bond shall be a lien on all property of such chamberlain and of each of such sureties in the county of Oswego until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon the common council shall, by resolution declare that such bond is satisfied and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk and shall operate to discharge the bond and the lien thereof from record. A true copy of such bond and certificate shall be filed in the city clerk's office. It shall be the duty of the chamberlain, personally to receive all state, county, city and local taxes and assessments which may be paid at such office. All funds received by him shall be deposited daily in the national banks of the city equally as may be and an equal balance, as near as may be, shall be kept on deposit in each of such banks. He shall pay no money except by checks consecutively numbered, each showing the number of the order paid thereby, by what authority ordered and by what fund payable. The chamberlain shall retain in his office and not elsewhere, the possession of the warrants and assessment-rolls which may from time to time, be delivered to him by the clerk of the city. He shall enter, daily, in suitable books all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid, and shall when required exhibit the same in his office to the mayor and finance committee of the common council or to any taxpayers for inspection. He shall also enter in a column in the assessment-rolls in his possession, opposite the names of the persons or corporations who shall pay their taxes or assessments, the fact of payment, the amount thereof and the date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for non-residents of said city, and the residence of such non-residents, so far as he can ascertain the same. The chamberlain shall be the custodian of all securities, obligations and other evidence of debt belonging to said city. He shall annually settle with the common council, and as much oftener as it may require, for all tax rolls and warrants issued to him, and for all moneys received or collected by him for school or other purposes and produce the proper vouchers of the board of educa-

tion and other boards and officers for all money paid upon the warrants, drafts or orders of said officers or boards. At the time of the annual settlement and immediately preceding the expiration of his term of office, or within such time after the annual settlement as the common council may fix, he shall pay to his successor in office all such moneys remaining in his hands and deliver to such successor in office all assessment-rolls, books, papers and property belonging to said city or pertaining to the affairs of the city in connection with the duties of his office.

§ 27. **General powers and duties of city judge.**—The city judge shall be the judge of the city court which shall have both civil and criminal jurisdiction. He shall possess all the jurisdiction, power and authority in both civil and criminal actions and proceedings as are or may be vested in justices of the peace of a town, together with such other jurisdiction, powers and duties as are conferred upon him by this act, and shall be entitled to the same fees in civil and criminal actions and proceedings as such justices of the peace, except as hereinafter specially provided.

§ 28. **General powers and duties of the city clerk.**—The city clerk of said city shall be clerk of the common council, of the board of public works, of the board of fire and police commissioners, board of health and shall be the registrar of vital statistics of said city. He shall perform such other duties incident to his office as may be required by the common council or by any such board. He shall keep the minutes of the common council and of each board of which he is clerk, and shall record in books to be kept for that purpose, all proceedings of the common council and of each such board, and index the same. He shall keep an office at such place as the common council shall provide and designate. He shall have charge and custody of the corporate seal, books, papers, documents and official minutes of the city, except as otherwise provided by or in pursuance of law. He shall keep a book, and alphabetically index and record therein all bonds of the city officers as well as all contractors' or other bonds running to the city or any of its officers, and note therein the date of filing each such bond. He shall, upon request and payment of the fees therefor, make certified copies of all records and documents in his possession or under his control.

as such clerk, and may affix the corporate seal of the city to any such certificate, and such seal shall be deemed to be his official seal, and any such certified copy shall be evidence as provided in section nine hundred and thirty-three of the code of civil procedure. He shall be entitled to demand and receive fees for such certified copies, at the rate of ten cents per folio, from each person other than a city officer, upon whose request any such certified copy is made and delivered for the use of the city. He shall keep an accurate account of all fees and moneys received by him as such clerk, other than his salary, including fees received by him as registrar of vital statistics, and shall, on or before the tenth day of each month, pay over all such fees and moneys received by him, as such clerk, during the month immediately preceding, to the city chamberlain to the credit of the general city fund, for which he shall take a receipt and file the same in his office. Such receipt shall, at all times, be subject to examination by the common council, or any member thereof. His office is hereby declared a town clerk's office, for the purpose of depositing and filing therein, all books and papers required by law to be filed in a town clerk's office and he shall possess all the powers and discharge all the duties of a town clerk not inconsistent with this act.

§ 29. **The city attorney.**—The city attorney shall be the sole official advisor of the common council and all the boards and other officers of the city including the assessors. He shall when directed by the common council prosecute and defend all actions and proceedings by and against the city and every department thereof, and perform such other professional services relating to said city as the mayor or common council may direct. He shall when required prepare all legal papers, contracts, deeds and other instruments for the city and the different departments thereof. The city attorney shall, at the expiration of his term of office, hand and deliver to his successor in office, as soon as qualified, the record or register of all actions or proceedings in which the mayor, city or any of its departments may be a party and also all papers on the part of the city therein, and also sign stipulations substituting said successor as attorney for the city in such actions or proceedings, to the end that an order of substitution may be entered in such actions or proceedings. All costs in litigated cases, wherein the city is

successful, shall belong to the city, and when collected shall be paid to the chamberlain and credited to and form a part of the general fund of the city.

§ 30. **General powers and duties of city engineer.**—The city engineer shall perform all of the city engineering required by the board of public works and by the other departments and the other officers of the city. He shall make all preliminary surveys for the opening, making, constructing, paving, macadamizing, repairing, grading and establishing the grade of all streets, side and crosswalks, gutters, sewers, sewer inlets and the measurements of all work done on the same or on other public places in the city, and prepare plans, profiles and specifications therefor, when necessary, or when required by the board of public works, and shall perform such other duties as may, from time to time, be required by the board of public works, and shall have the supervision of all work requiring the services of an engineer. He shall have no power to contract any liability or debt on the part of the city. He shall keep in his office books and records of all surveys and maps of streets, avenues and lanes and the grade thereof, and sidewalks, water-mains, sewers and sewer inlets with location and grade thereof. Such books, records and maps, made by the city engineer or purchased by the city shall be properly indexed, and shall be the property of the city, and transmitted with all other matters pertaining to his office to his successor.

§ 31. **General powers and duties of the superintendent of public works.**—The superintendent of public works shall under the direction of the board of public works have the general care and management of the water works, sewers and all other public works within the jurisdiction of the board. He shall present at each regular meeting of the board of public works a pay roll of each department in such form as the board of public works may prescribe, verified by his oath, setting forth the work done for the city in each department under his charge since the last pay-roll, and specifying the name of each person employed, the time employed, rate of wages, and the amount due each employee. Said pay-rolls when audited shall be paid from the fund of said city, on account of which said work was performed or expenses incurred.

§ 32. **The aldermen.**—It shall be the duty of every alderman to attend the regular and special meetings of the common council; to act upon committees when appointed by the mayor or common council; to arrest or cause to be arrested all persons violating the laws of the state, or ordinances, by-laws or police regulations of the city when such violations are committed in his presence; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to aid in maintaining peace and good order in the city, and to perform or assist in performing all such duties as are by this act enjoined upon the aldermen of said city separately or upon the common council thereof. The aldermen of each ward shall be fence viewers and shall possess all the powers and authority, in respect to division fences or walls in their ward which are given by law to fence viewers of towns with respect to division fences, and shall be entitled to receive for their own use, the same fees as fence viewers of towns.

§ 33. **The city assessors.**—The city assessors shall perform all the duties required of them by this act in relation to the assessment of property in said city, and to that end they shall perform all the duties and possess all the powers and authority of town assessors, except as modified by this act.

§ 34. **City physician and health officer.**—The city physician shall, by virtue of his office, be the health officer of the city. It shall be his duty to perform all duties imposed by law upon such health officer, and under the direction of the commissioner of charities, to visit at their place of abode such of the poor of the city as may be ill and give medical attention and care, and cause to be supplied such medicines as their condition shall require. All accounts for medicine furnished upon his order or the order of the commissioner of charities, shall be audited by the common council and paid from the poor fund of the city.

§ 35. **Powers and duties of supervisors.**—The supervisors of the city of Fulton shall have the same powers and duties as supervisors in the towns of Oswego county, and shall be members of the board of supervisors of the county of Oswego. They shall receive the same compensation allowed by law, in the same manner as supervisors of towns. The supervisors elected or appointed and qualified under this act shall be recog-

nized by the board of supervisors of Oswego county and be allowed to take their seats as members of said board and participate in all the deliberations and proceedings of said board during their term of office, and each of the two wards of said city hereinbefore designated shall at all times be entitled to the same representation as the towns of Oswego county. Other than as provided by this act their term of office shall begin on the first day of January next after their election. They shall also discharge all other duties imposed upon them by this act. Each of said two wards of said city shall be regarded as a town of Oswego county for the purpose specified in title three, chapter ten, article second of the code of civil procedure respecting the selection, drawing and procuring the allowance of trial jurors. The supervisors of each said two wards respectively and the city clerk and assessors of said city shall perform in said wards the duties prescribed in said article. A duplicate of each list of jurors selected by them respectively shall be filed in the office of the clerk of said city, which shall be deemed a town clerk's office for that purpose. The supervisors and the clerk and assessors of said city shall meet in the clerk's office at the time provided by law, and proceed to discharge the duties imposed upon them by the code of civil procedure as aforesaid, and by this act; and the list made by them, each supervisor acting for the wards only, for which he was elected, shall constitute the list of persons to serve as trial jurors for the ensuing three years. The supervisors elected under this act and the clerk and assessors of said city shall meet every third year thereafter for the same purpose and make and file lists so required of them. A copy of each such list so prepared shall be immediately certified to the city judge by the city clerk.

§ 36. Powers and duties of other city officers.—The powers and duties of all other city officers shall be such as are hereafter prescribed in this act, or when not so prescribed, as provided by existing general laws applicable to such officers.

§ 37. Payments of money must be made from and into the general fund when not otherwise provided.—Other than as herein provided, all moneys belonging to said city shall be paid to the chamberlain thereof and deposited to the credit of the general city fund; and all payments of money made by said city or by any board or officer thereof, when authorized by or in

pursuance of law, when the fund from which such payment is to be made is not otherwise designated, shall be made from the general city fund.

TITLE IV.

THE COMMON COUNCIL.

Section 40. Organization and procedure of the common council.

42. Mayor's approval or veto.

43. Time of taking effect of resolutions and ordinances.

44. Division of funds and maximum amount of annual city tax levy.

45. Funds not to be transferred; penalty.

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50. Control of finances; and property; ordinances, rules and regulations of the common council.

51. Violation of ordinances.

52. Licensing occupations.

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54. Official newspapers.

55. Officers not to be interested in contracts or purchases.

56. Rules and regulations for transaction of city business.

Section 40. Organization and procedure of the common council.—
The mayor and aldermen of said city shall constitute the common council thereof. At all meetings of the common council each alderman present shall have one vote. At the first meeting of the common council in each official year or as soon thereafter as practicable, the common council shall choose one of the aldermen to be its president, who shall during such official year, be the presiding officer of the common council in the absence of the mayor; and while the mayor is absent from the city or unable to perform his duties, said presiding officer shall be acting mayor, and have all the powers and duties, and be sub-

ject to all the obligations and liabilities of the mayor. The president of the common council shall not lose his vote as alderman by reason of his acting as presiding officer of the common council at any time, but when he shall vote as an alderman, he shall have no casting vote on a tie. The common council shall hold regular or stated meetings on the first Tuesday evening in each month in the common council rooms, and at such other times as they shall by resolution designate. The mayor, or in his absence, the president, or any three alderman may call special meetings by notice in writing, served personally upon the other members of the council, or left at their usual place of abode at least two hours before such meeting. The common council shall determine the rules of its own proceedings. The attendance of absent members may be compelled by the common council, or by a meeting thereof, at which less than a quorum is present, by the entry of a resolution and order in the minutes, directing the chief of police or any police officer of the city to arrest such absent member and bring him before the common council at the meeting at which such member is absent or the next, or some subsequent meeting of the common council, to answer for his neglect. A majority of the common council, including the mayor as a member thereof, shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time. A majority of the aldermen present and voting at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money by a tax or assessment shall pass unless it receive the assent of a majority of all the aldermen in office. The ayes and noes shall be called and recorded on all resolutions and appointments when demanded by any member. All meetings of the common council shall be public.

§ 42. Mayor's approval or veto.—Every resolution or ordinance of the common council, except rules for its own government and resolutions for the appointment of officers, shall, before it takes effect, be presented, duly certified by the clerk, to the mayor. If the mayor approve thereof, he shall sign it within ten days after receipt thereof by him and file it so signed with the city clerk. If the mayor does not approve it, he shall, within ten days after receipt thereof by him, return it to the city

clerk with his objections thereto in writing, and a statement that he does not approve thereof, and it shall have no force or effect unless the common council shall at the next meeting reconsider it and pass it over the mayor's veto by the concurring vote of at least two-thirds of the total number of aldermen in office, which vote shall be taken by ayes and noes, and entered on the minutes, together with the objections of the mayor. If any such resolution or ordinance so presented to the mayor shall not be returned by him to the city clerk within ten days after the receipt thereof by the mayor, it shall, at the expiration of such ten days, have the same force and effect as if it had been approved by him and filed with the city clerk. If any such resolution contain one or more items appropriating money, the mayor may sign it with a written statement appended thereto, that he objects to one or more of such items, and each item so objected to shall have no force or effect unless such items be reconsidered separately by the common council and passed over the mayor's veto in the same manner as a resolution wholly vetoed. Except rules for the government of the common council and appointments to office, no resolution or ordinance of the common council shall have any force or effect or be deemed to have been enacted by the common council, unless either it be approved by the mayor or be not returned to the city clerk within ten days after the receipt thereof by him, or unless it be passed over the mayor's veto in pursuance of the provisions of this section.

§ 43. Time of taking effect of resolutions and ordinances.—Any resolution or ordinance enacted by the common council may specify the time when it shall take effect, but no ordinance shall take effect until after its publication at least once in the official newspapers of the city, notwithstanding the provision therein of a previous time for its taking effect. If no time be provided in any such resolution or ordinance for its taking effect, or if it specify that it take effect immediately, it shall take effect on its approval by the mayor, if he approves it; or, if he fails to return it to the clerk within ten days after the receipt thereof by him, it shall take effect on the eleventh day after such receipt thereof by the mayor; or, if he returns it with his disapproval and it be passed over his veto, it shall take effect at the time of its passage over his veto.

§ 44. Division of funds and maximum amount of annual city tax levy.—The common council may raise by tax upon the real and personal property assessable in the city in each year certain amounts, which shall be estimated and designated for the following purposes:

1. A sum necessary for defraying the expenses of supplying and keeping in good condition and repair the engine houses, engines, hose-carts, hook and ladder carts, fire alarm telegraph and other apparatus deemed necessary for the extinguishment of fires, and for paying the salaries and wages of officers and employees of the fire department, to be designated the fire fund.

2. For the payment of the expenses of the police department, including the salary of the city judge and the salaries of the officers of said department, to be designated the police fund. Said fire and police funds shall be under the control of the board of fire and police commissioners, and shall be paid out only on its order, signed by the president of said board and countersigned by the city clerk.

3. For paving and repairing pavements, constructing, relaying and repairing sidewalks, and keeping in order the streets, crosswalks, gutters, lanes, public places and grounds of said city, to be designated the improvement fund.

4. For defraying the expenses of constructing, repairing and keeping in order the sewers, paying the principal and interest on the sewer bonds, and the salaries or wages of persons employed to care for and maintain the sewer system, to be designated the sewer fund.

5. A sum necessary for lighting the streets and public buildings of the city, (and, if the city shall acquire a lighting plant, the expenses of constructing and maintaining all necessary apparatus and fixtures connected therewith, and the salaries and wages of employees necessary for said plant), to be designated the light fund.

6. A sum necessary for supplying water to the public buildings of the city, for the extinguishment of fires, the payment of principal and interest on the water bonds, the services of persons employed in the water works department, and the supplies necessary for said department, to be designated the water fund.

7. For the services of the superintendent of public works, his assistants, and other persons employed by the board of public

works, other than in the light and water departments, and the erection and maintenance of bridges and culverts, to be designated the public works fund. Said improvement fund, sewer fund, light fund, water fund, and public works fund shall be under the control of the board of public works, and shall be paid out only on its order, signed by the president of said board, and countersigned by the city clerk.

8. A sum necessary for the payment of the expenses of the department of charities, including the salaries of the commissioner of charities and city physician, to be designated the poor fund.

9. A sum necessary for defraying general and contingent expenses; for the payment of all salaries and other expenses not otherwise provided for; and sums raised for the public library; to be designated the general city fund. Said poor fund and general city fund shall be under the control of the common council, and shall be paid out only on its order, signed by the mayor or the president of the common council, and countersigned by the city clerk.

10. Such a sum as shall be necessary to pay all of the expenses of the schools of the city, to be designated the school fund. Said school fund shall be under the control of the board of education, and shall be paid out only on its order, signed by the president of said board, and countersigned by its clerk.

The aggregate of the annual tax levy for all purposes in this section above provided, except the principal and interest on the bonded indebtedness of the city, shall not exceed the rate of one and one-half per centum of the assessed valuation of the real and personal property liable to taxation in said city, as the same shall appear from the assessment roll of said city for the current year. In addition to the amounts which shall be included in the annual tax levy for the foregoing purposes, there shall be included such an amount as shall be certified by the board of supervisors as hereinafter provided, to be the city's share of the state and county tax levy, such amounts as shall be necessary to meet the principal and interest on the bonded and other indebtedness of the city, falling due during the fiscal year for which the tax is levied, and to meet all indebtedness remaining unpaid on all judgments against the city, and such further sums as shall have been voted at a regular city election,

or at a special city election called for the purpose, and also such other sums as the common council, or the boards of said city, are authorized to expend for purposes specified in this act.

§ 45. **Funds not to be transferred; penalty.**—No fund or portion of a fund provided for by this act shall be transferred to any other fund, or used for any other purpose whatever except the purpose for which the same is provided, except, however, the board of public works may, whenever the receipts of the water department exceed the sums necessary to provide for the sinking fund to meet the principal and interest of the water bonds, and pay the current expenses of the water department, transfer any surplus remaining to the improvement fund to be used in payment of the principal and interest of bonds issued or liabilities incurred for the city's share of pavements or sidewalks; and except that the surplus of any fund, raised for a special purpose, remaining to the credit of such special fund after such purpose has been accomplished may, by resolution of the common council, be transferred to the general city fund. Any officer or member of a board of the city, violating the provisions of this section shall forfeit a penalty of one hundred dollars to be sued for and recovered by and for the benefit of the city, and in addition thereto, shall be guilty of a misdemeanor.

§ 46. **Annual report and estimates by boards and officers.**—Between the first and fifteenth days of October in each year the board of public works, the board of fire and police commissioners, the board of health, the commissioner of charities, and the board of education shall estimate in detail the expenses and income of their respective departments for the next fiscal year and shall certify such estimates to the common council. The board of fire and police commissioners shall also include in its report an estimate of the amount which will probably be paid into the city treasury during the next fiscal year from excise taxes and for fees of patrolmen in criminal and civil proceedings. The city judge shall present an estimate of the amount of fines and penalties that, in his judgment, will probably be received by the city judge during the next fiscal year. The city clerk shall also make a detailed statement by items of all the expenses of the city as estimated by it for the next fiscal year. The city clerk in his report shall also make a statement in detail

of all judgments against the city then remaining unpaid, and an itemized statement of the principal and interest of all bonded and other indebtedness of the city that will fall due during the next fiscal year. The city chamberlain in his report shall also make a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid and the amount which, in his judgment, will probably be received by the city therefrom during the next fiscal year; all expenditures made or incurred by the city chargeable to property owners or other persons and remaining unpaid and the amount which, in his judgment, will probably be received by the city during the next fiscal year. The common council shall cause such estimates and statements to be published in the official newspapers of the city during the next week preceding its last regular meeting in the month of October. At that meeting or at any meeting to which an adjournment may be had, not later than the fifteenth day of December next following, it may revise such estimates, except that of the board of education, the board of public works in respect to the water department and the amount due on judgments and the bonded indebtedness of the city, and determine the entire amount necessary to be raised to defray the expenses of the city for the ensuing fiscal year. Said common council may by a vote of two-thirds of its members reduce any estimate except as above provided, but shall not increase any of the estimates of the various boards and officers aforesaid, and shall immediately levy the aggregate amount taxed, ascertained and determined together with the city's proportion of the county and state tax certified by the board of supervisors, and any special tax which shall have been voted or is to be raised with the annual tax levy.

§ 47. **Financial reports.**—Each of the officers and boards specified in the last section otherwise than as provided in this act, shall, at the close of the fiscal year, make a written report to the common council of all expenditures made or incurred by said officers or said board during such year, showing separately and by items the amount expended from each fund which may be drawn on by such board, and the balance standing to the credit of each such fund. All officers and boards receiving any money, other than that raised by taxation, shall, in such report make an itemized statement of the sum received by them,

specifying the date of such receipt, the amount thereof, and the person by whom the same was paid.

§ 48. **General legislative powers.**—The general legislative powers of said city for all proper municipal purposes, except such power as may be vested in other city boards or officers, shall be vested in the common council. The common council shall furnish the officers of the city with necessary office room, office furniture, books and stationery; shall keep in proper repair the public buildings of the city; may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition, and if not, may require the same to be made so; may require any officer of the city to furnish reports, information or estimates whenever deemed proper by the council; may employ a pound keeper, a sealer of weights and measures, and such other employees of the city as may be necessary to execute the work which the common council is authorized and required to cause to be executed, and may fix their compensation.

§ 49. **Improvements and removal of nuisances at expense of owner.**—The common council shall have power to compel the owner or occupant of any building or wall which it may deem to be in a dangerous or unsafe condition by reason or on account of fire or otherwise to render the same safe or to take down and remove the same, and in case of his neglect so to do, to cause it to be taken down or removed at the expense of the owner or occupant; to direct the owner or owners of any building used for public entertainments or other public purposes to provide the same with suitable and sufficient fire escapes, in the manner provided by the common council, and in case of the failure or neglect of such owner so to do, to cause such work to be done at the expense of the owner; to authorize any city officer or any person designated by the common council to inspect any place or places to ascertain whether the same are in a safe condition, and if not, to require the same to be made safe, and if the owner thereof shall neglect or refuse so to do, to cause the same to be made safe at the expense of the owner.

§ 50. **Control of finance and property; ordinances; rules and regulations of common council.**—The common council shall exercise all the corporate powers conferred by this act, and, other than as provided by law or this act, shall have the manage-

ment and control of the finances and of all the property, real and personal, belonging to said corporation, other than as provided in this act, and shall have power, within said city, to make, establish, publish and modify, annul and repeal ordinances, rules, regulations and by-laws, for any of the purposes heretofore specified in this act, and for the following additional purposes:

1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.

2. To license, regulate or prohibit the exhibitions of showmen, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical presentations.

3. To direct the location of all houses for storing gun-powder and other combustibles and explosives, and to regulate the keeping, selling and conveyance thereof, and the use of candles and lights in barns, stables and outbuildings.

4. To prevent or regulate coasting or bicycle riding in the city.

5. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of keeping and proceedings.

6. To prevent or regulate the ringing and tolling of bells, except those of railroad cars and engines, blowing of horns, or crying of goods or wares, firing of guns, or of powder or other explosives, and the making of any improper noise which may tend to disturb the peace of the city.

7. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

8. To regulate the sale of fresh meats, fruit, poultry, butter, cheese, eggs, honey, vegetables, fish and other articles usually disposed of from farmers' wagons, and the fees for marketing privileges.

9. To prevent encumbering the streets, sidewalks, lanes and alleys within said city with building material, wagons, sleighs, barrels, boxes, merchandise, and articles of every kind, and prevent the sale of meat, vegetables, farm produce, and unmanufactured products of the forest, from wagons or other convey-

ances, except from dwelling to dwelling or on the markets now or hereafter established.

10. To establish, build, and regulate public markets, cart and carriage stands, pounds, station houses, and lockups, within said city.

11. To license and regulate bill posting, bill distributing and sign advertising, and to regulate or restrain the erection of bill boards on any street, section of a street or public place of the city, and restrain the posting of bills or signs on any fence, wall, building, sidewalk, pole or post, upon or adjacent to any street or public place of the city.

12. To prohibit and prevent the unnecessary obstruction of streets by railway locomotives and cars, and to regulate and control their running and rate of speed, and the length of time they may be allowed continuously to stand, or impede travel upon any street or crossing in said city.

13. To prevent any person or persons from remaining, standing or lounging, or obstructing any of the sidewalks of the city, or standing, sitting or lounging on any platform, or standing in front of any stairway or building, without the express permission of the owner or occupant of such building.

14. To permit building material to be deposited on the street, in front of any lot, to such extent and for such time as it may prescribe.

15. To license and regulate cabmen, porters, cartmen, hackmen, and the drivers of hackney carriages, stages or omnibuses, for the transportation of passengers within the city, to fix their rates of compensation, and to require them to have licenses.

16. To prevent horse-racing, and immoderate driving in the streets of said city of horses or motor vehicles, and to prohibit and punish the flying of kites, and every other game, practice and amusement, in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property.

17. To suppress disorderly houses, houses of ill-fame, gambling, gaming tables and all instruments and devices employed in gambling; to regulate or restrain pool and billiard playing, and playing games of chance, by minors in public places; to restrain and punish street beggars, vagrants and mendicants.

18. At the request of the board of public works, to regulate the width of tires of draft wagons. The term draft wagons, in this act shall mean a wagon to carry a load of twelve hundred pounds or more.

19. To regulate or prevent all parades, exhibitions, and the parade or playing of bands upon the streets or public grounds of the city.

20. To regulate and prevent the landing, within the city, of excursion boats, or passengers therefrom.

21. To regulate the use and construction of chimneys, fireplaces, stoves and heating apparatus, and the deposit of ashes; and any member of the common council, or any person authorized by it, may enter, when necessary, in the daytime, any building within the city, to make an examination with reference to the evasion or violation of such ordinance.

22. To punish the wilful giving of a false alarm of fire.

23. To punish the wilful or malicious breaking, marring, injury, removal or defacement of any building, fence, awning, sign, signboard, or any tree, shrubbery, or any other ornamental thing in the city, tearing down of any notice or handbill lawfully posted, or inciting or inducing dogs to fight in any of the streets or public places of the city.

24. To punish all violations of the rules of the common council, or of the board of fire and police commissioners, board of public health, and board of public works, which have been approved by the common council, relating to the prevention of fire, the waterworks, lighting or sewerage system of the city.

25. To punish profane, vulgar or obscene language, or conduct, in any street or public place in the city.

26. To determine the existence, and direct the removal of a public nuisance in any part of the city; and if the same be not removed within such time as the common council may direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot, and to enforce the collection thereof by leasing or selling the premises, in the manner provided in this act for the collection of taxes or assessments, or by action against the owners of the lot, or any other person who may have erected, suffered, or maintained such nuisance; and in case of the non-removal or abatement of any

nuisance, the common council may impose a penalty therefor and enforce the collection thereof, as prescribed in this act.

27. To prohibit, prevent and regulate encroaching upon or encumbering any street, avenue, highway or alley with any building, steps, platform, bay window, wooden or other permanent awning, cellar door, area, descent into a cellar or basement, sign or any post or erection or any projection from any building or structure, and to cause the same to be removed by the owners or occupants of the premises; to make such expense of removal a lien on the lot on which the building or structure may be situated, and to issue a warrant against any such owner or occupant; to collect the necessary expenses of such removal as assessments are collected; and it shall be the duty of the common council, within six months after the passage of this act, to determine and prescribe limits in said city within which none of the encroachments or incumbrances above specified shall thereafter be permitted on any street within said limits beyond the established street lines, and said common council shall have power from time to time to enlarge such limits within which such encroachments or incumbrances shall not be permitted, but not to reduce or diminish such limits so prescribed.

28. To regulate and restrain hawking and peddling in the streets, and to regulate the time, mode, manner and place of holding auctions or public sales of merchandise, and all personal property, and to prohibit such sales on any of the sidewalks or crosswalks of the city, or the streets of the same; to license sales at auction, in said city, of goods or property belonging to persons not residents of said city, or which goods shall have been purchased with intent to sell the same at auction, and to prevent such sales without license, and to require the payment to the city of such sums for such licenses as shall be provided for, not exceeding twenty-five dollars per day for each day upon which sales shall be had.

29. To regulate the speed of running of trains of cars in the compactly inhabited portions of said city, and for one mile from the depots in said city, and to regulate runners, stage drivers and others, in soliciting passengers and others to travel or ride in any stage, omnibus or go to any hotel, or otherwise.

30. To compel, direct and regulate the planting of shade trees and ornamental trees along the streets and sidewalks of said

city, and to prevent the injury or destruction of such trees; and to prevent the injury or defacement of fences, posts and buildings in said city.

31. To give names to streets and numbers to lots and tenements, and to change the same in its discretion. All expenses incurred by virtue of this subdivision shall be levied and collected from all the property embraced within the city, at the same time, and in the same manner as other general city taxes are levied and collected.

32. To designate such portion of said city as it may deem proper within which no building in whole of wood or other combustible material shall be erected.

33. To prescribe or define such powers and duties of officers of said city as are not specified in this act and are not inconsistent therewith.

34. To call special meetings of the inhabitants of said city whenever in its judgment the public interests require the same, and to carry into effect all lawful resolutions adopted at any of said meetings or at any regular or special elections.

35. The common council may, at any time, issue bonds for the payment of a judgment that heretofore has been recovered against the villages of Fulton or Oswego Falls or that may be recovered against the city after its creation. The issuance of such bonds shall in all respects be subject to the same conditions and limitations as are the issuance of other city bonds elsewhere provided for in this act.

36. Whenever the common council shall resolve by the affirmative vote of two-thirds of its members that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate for at least three times, once in each week, in the official newspapers, together with a notice that at a time and place therein specified a special election of the tax-payers of the city will be held to decide whether the amount of such expenditure shall be raised by tax, and no expenditure, other than authorized by this act, shall be made or any sum therefor raised except by authority of a vote taken at such special election. All provisions of law prescribing the duties of inspectors of election

and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held hereunder. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required and the amount thereof, and be in the form required by the election law for voting upon propositions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission, from nine o'clock in the morning until four o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a suitable ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of election shall administer to him the following oath: "You do swear that you or your wife are a taxpayer of the city of Fulton and that you have not voted at this election?" After he shall take such oath, his vote shall be received. The inspectors shall canvass the votes received immediately after closing the polls, and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax, and the whole number against each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the said election thus certified to be entered in the minutes. If the sum or sums of money thus appropriated shall, with the other annual taxes, be not in excess of one and one-half per centum of the assessed valuation of the real and personal property of the said city, the common council shall cause the sum or sums of money thus voted to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment-roll. But if the sum or sums of money thus voted shall, with the other annual city taxes as provided for in section forty-four of this act, be in excess of one and one-half per centum of the assessed valuation of the real and personal property of said city, the common council shall issue bonds of the city therefor. No more than one such election in the city shall be held in any one year, except by the unanimous vote of the common council. After such special tax or taxes shall have been authorized as

herein provided, the common council may proceed to authorize the expenditure of the amount for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election.

§ 51. **Violation of ordinances.**—Any ordinance enacted by the common council may provide that any person violating such ordinance shall be guilty of a misdemeanor or of disorderly conduct or shall be liable to pay to the city a sum therein named as a penalty not exceeding one hundred dollars, to be recovered in a civil action. If no provision be made in any ordinances as to the effect of a violation thereof, every violation thereof shall be a misdemeanor. The city may maintain an action to restrain by injunction a violation of any ordinance of the common council or board of health, notwithstanding that such ordinance may provide a penalty for such violation.

§ 52. **Licensing occupations.**—If an ordinance of the city prohibit the carrying on of any occupation without a license therefor, the common council may fix the fee for such license or may prescribe the minimum and maximum limits of the fee which may be charged therefor in the discretion of the mayor. All applications for such licenses shall be made to the mayor. The mayor may grant or refuse any such license in his discretion. If the mayor determine to grant such license, he shall issue an order to the city clerk to issue such license upon the production of a receipt from the city chamberlain for the amount specified in such order and receipt, and he shall issue such license accordingly. The city chamberlain shall credit all fees so received by him to the general city fund. The clerk shall keep in his office a record of each license, the person to whom issued and the fee paid therefor.

§ 53. **Change of ward boundaries.**—The common council shall have power by resolution, passed by a majority vote of its members, to change the boundaries of the several wards of the city, but not to increase the number of wards; such resolution together with a notice of the time when action will be taken thereon shall be published in the official city newspapers for two successive weeks before its passage, but such change shall not be made oftener than every third year.

§ 54. **Official newspapers.**—The common council may at its first meeting in each official year, or as soon thereafter as

practicable, fix and determine the legal fee per folio or otherwise, for the publication of all minutes of meetings, notices, by-laws, rules, ordinances and regulations and such reports and other matters as the common council or this act directs to be published in the official newspapers of the city, and thereupon shall designate two newspapers published in said city one on each side of the river, if such are published, in which papers all such matters as herein specified shall be published at the fees so prescribed. The newspapers so designated shall be the official newspapers of the city for the ensuing official year for the purposes aforesaid and until the next annual designation, provided said newspapers shall agree, with said common council, to make the aforesaid publications at the fees prescribed by the common council. The common council shall cause the minutes of all its regular and special meetings, the annual reports and estimates and the monthly report of the chamberlain to be published in the official or one or more papers of the city.

§ 55. **Officers not to be interested in contracts or purchases.**— It shall not be lawful for the mayor, or any member of the common council or any member of any of the municipal boards of said city or any superintendent, or any clerk, agent or employee of said city, employed by any of the municipal boards therein (beyond the compensation which said superintendent or clerk, agent or employee may be justly entitled to for services by him actually rendered) to be interested, directly or indirectly, in any contract or work made, or done by, for or on behalf of said city, or any municipal board therein; nor shall any such person be interested, directly or indirectly, in the purchase or sale of any merchandise, material, substance, supplies or requirements, for any of the uses or purposes of said city, except that any member of a board or of the common council may sell to any other department, nor shall any such person receive therefrom or thereon or in consideration or in consequence thereof, any commissions, divisions, discounts, gift or moiety. It shall not be lawful for any of the municipal boards of said city to audit any account or issue any warrant for the payment of any claim for services rendered, or for work, labor or materials furnished by any person during the time such person shall have held the office of mayor, alderman, or member of any of the municipal boards of said city. A violation of any

of the provisions of this section is hereby declared to be a misdemeanor.

§ 56. **Rules and regulations for transaction of city business.**—The common council shall have power to make such rules, regulations and adopt such methods for the convenient transaction of the business of the city by the several boards, departments and officers thereof, not inconsistent with the duties and powers given such boards, departments and officers by this act.

TITLE V.

DEPARTMENT OF PUBLIC WORKS; LOCAL IMPROVEMENTS; STREETS; HIGHWAYS; PAVING OF STREETS AND CONSTRUCTION OF SIDEWALKS.

Section 60. Organization.

61. Powers and duties of board.
62. Duties of superintendent of public works.
63. Change of grade of street or bridge.
64. Acquiring privileges to dispose of stagnant water.
65. Paving, repaving and macadamizing.
66. Sidewalks, construction and repairs.
67. Assessments for local improvements.
68. Cleaning sidewalks of snow and ice.
69. Street cleaning and repairing.
70. Work may be done by contract.
71. Guardian ad litem for infant defendants.
72. County court always open.
73. Taxes and assessments under this title, lien of.

Section 60. Organization.—The mayor first elected under this act shall appoint three members of the board of public works, who shall hold office until the first day of January, nineteen hundred and four. Thereafter, the incoming mayor shall, on, or ten days prior to, the first day of January succeeding his election, appoint their successors, who shall hold office for the term of two years from said first day of January. They shall, within the first week of January in each year, organize by the election of one of their members as president for the ensuing year. At any meeting of the board two shall constitute a quorum.

§ 61. Powers and duties of board.—The board of public works shall be commissioners of highways in and for the said city, and shall have all powers and perform all the duties of commissioners of highways in towns, other than as provided in this act. The said board is vested with the charge, management, control and maintenance of all bridges, streets, sidewalks, public places and public squares within the city; of the water works and light works if any, of the sewers, and of all buildings and structures appurtenant thereto, and of all reservoirs, pipes, hydrants, wires, machinery, tools, appliances and materials used in connection therewith.

The board of public works shall have power:

1. To appoint an engineer and superintendent of public works, which engineer and superintendent shall be responsible to the board of public works.

2. To employ all servants, including an assistant superintendent of public works if deemed advisable, clerks and laborers, and fix the compensation of all servants so employed by them.

3. To make rules and regulations for its own government and for the government of the superintendent of public works, city engineer and all servants of the board of public works and prescribe their duties.

4. To make all contracts relating to construction, paving and repairs of the streets and sidewalks, public places and public squares, parks and sewers, public lighting, extension and maintenance of the water works system and the cleaning of the streets, sprinkling, and the removal of dirt therefrom, the grading, paving and repaving and macadamizing and remacadamizing of all streets, public places and public squares, and laying and extending of sewers and the provision of all materials, machinery, implements and utensils therefor.

5. To lay out, make, open, grade, level, regulate, pave, macadamize, plank, gravel, clean, repair and improve highways, streets, lanes, alleys, public grounds, parks, sidewalks, sewers, water works, lighting plant, gutters, drains, aqueducts, reservoirs, crosswalks, and alter, amend, widen, straighten and discontinue the same and to establish grades and levels therefor, and alter the same, through any lands, buildings or inclosures in said city.

6. To construct conduits for carrying telegraph, telephone or electric light wires or cables or other appliances for conducting electricity on any street or section of a street heretofore paved, then to be paved, repaved or repaired, and the expense thereof shall be paid out of the improvement fund in the same manner as other expenses for local improvements are paid, and may be raised in like manner. Whenever the board of public works of the city of Fulton shall by resolution determine that public safety requires the removal of telegraph or electric wires or cables or electric feed cables of any street railway company or other appliances for conducting electricity and the poles thereof heretofore or hereafter erected in the principal business streets of the city, it shall have power by an ordinance or resolution to require any company or corporation or individual to remove such wires and electrical conductors from over head in the street, and place them in conduits under the surface of the streets in such manner as shall be directed by the said board of public works and subject to such regulations and restrictions as such board may make and impose in respect thereto, for the benefit of the public, the city or its citizens, and a compliance with such ordinance or resolution in respect to the removal of the poles, wires, cables or other appliances for the conducting of electricity through said streets, may be enforced by mandamus by any court of competent jurisdiction upon the application of the city as relator. And if the said board of public works shall construct conduits for the reception of wires and electrical conductors as hereinbefore provided the said resolution or ordinance shall require the wires and electrical conductors on said street or section of a street to be placed within the said conduits constructed as aforesaid, and such proportion of the expense of the construction of said conduits shall be paid by the company, corporation or individual using the same, as the common council shall by resolution determine, and the amount of said expense, certified by the common council, shall be paid to the city treasurer, and by him placed in the improvement fund. If any company or corporation or individual shall refuse or neglect to pay the amount so apportioned by the said common council upon demand of the city chamberlain, the city may sue for the same and recover the amount thereof in any court of competent jurisdiction as and for moneys had and re-

ceived. Nothing herein contained shall be construed as authorizing the board of public works to require that any particular patent or appliance shall be used in the construction of the conduits.

7. To cause to be made all necessary surveys, maps, and profiles relating to any work within its jurisdiction.

§ 62. Duties of superintendent of public works.—He shall be the executive officer of the board of public works, and shall, under its direction, have the care and direction of all public works within the jurisdiction of the board. He shall have the care and direction of laying all sewer and water pipes and conduits from private dwellings or other places and shall have the care and direction of laying any connecting or lateral pipes and keeping the same in repair; and the expense of laying such connecting lateral pipe or conduit shall be paid by the owner or occupant of the property. Such connecting or lateral pipe or conduit shall not be laid and connected until a permit therefor shall be obtained from the board of public works and all such connecting or lateral pipes or conduits and the fixtures thereto shall be constructed under and according to the direction of the superintendent.

§ 63. Opening, altering or extending streets, assessments of benefits and payment.—

1. Whenever the board of public works shall intend to lay out, alter, widen, extend, contract or discontinue any street, lane, alley, highway or public grounds in said city, and the lands of any person or corporation, or any right or easement therein that will be necessary for such purpose; and whenever the board of public works shall intend to acquire lands, rights or easements therein for any other purpose mentioned in this act, it shall cause the same to be surveyed and monuments placed showing the line thereof, and a map to be made of the same, which shall be filed in the city clerk's office, showing upon such map the lots, tracts and parcels of land and rights or easements therein that are deemed necessary to be taken and the commencement, course and termination of the street, lane, alley, highway or park proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in or through the land so to be taken. And for that purpose the board of public works and those acting under its direction shall

have power to enter upon any grounds in said city. The board of public works shall then declare by resolution its intention to take and appropriate the said property for the proposed improvement, and thereafter it may purchase of the owner or owners thereof the land or right or easement therein deemed necessary, and make him or them such compensation as it shall judge reasonable upon receiving from such owner or owners a conveyance thereof to the city. In case the board of public works is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement therein required for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law of the state.

2. Payment for property acquired for street improvement.—Upon the making of an agreement for compensation to an owner under this article, or upon the final order or award fixing the amount of such compensation in proceedings therefor, the board shall immediately pay such amounts and the costs, if any, allowed in the proceeding, if it has funds available for that purpose; if not, money may be borrowed by the common council and certificates of indebtedness bearing interest issued therefor, and payable, in either case, not more than one year from the date thereof; and the amount of such certificates shall be included in the next annual tax levy.

3. Changing grade of street or bridges.—If the city has exclusive control and jurisdiction of a street or bridge therein, it may change the grade thereof. If the change of grade shall injuriously affect any building or land adjacent thereto, or the use thereof, the change of grade to the extent of the damage resulting therefrom shall be deemed the taking of such adjacent property for a public use. A person claiming damages from such change of grade must present to the board of public works a verified claim therefor, within sixty days after such change of grade is completed. The board may agree with such owner upon the amount of damages to be allowed to him. If no agreement is made, within thirty days after the presentation of the claim, the person presenting it may apply to the supreme court for the appointment of three commissioners to determine the compensation to which he is entitled. Notice of application must be served upon the board of public works at least ten days

before the hearing thereof. All proceedings subsequent to the appointment of the commissioners shall be taken in accordance with the provisions of the condemnation law, so far as applicable, except that the commissioners in fixing their award may make allowance for benefits derived by the claimant from such improvement. The amount agreed upon for such damages or the award therefor, together with the costs, if any, allowed to the claimant, shall be a charge against the city. The common council may borrow money for the payment thereof, or may issue certificates of indebtedness therefor, in the same manner as in case of damages for laying out a street.

§ 64. To acquire privileges to dispose of stagnant or surface water.—The board of public works shall on an order from the board of health approved by the common council have power to enter upon any lands or grounds in the city and appropriate such property for the purpose of conveying any stagnant or surface water within and throughout the city, and thereafter said board of public works may purchase from the owner or owners thereof the land or right or easement, whenever deemed necessary and make him or them such compensation as it shall deem reasonable and just upon receiving from such owner or owners a conveyance thereof to the city. In case the said board is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement required therein for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law of the state, proceeding in the same manner as obtaining lands for street purposes elsewhere specified in this title.

§ 65. Paving.—If the board of public works shall decide on its own motion that any street or section of a street ought to be paved, repaved or macadamized, or that any street or section of a street ought to be graded, or if the owners of more than one-half of the real estate fronting thereupon, exclusive of any portion thereof owned by the city, shall petition it therefor, it shall publish for at least two weeks a notice in one or more of the newspapers of the city, that at a time and place to be therein specified, it will meet to make a final determination in respect thereto. Such notice shall contain a brief description of the character, location and extent of the improvement, and of the material to be used therein. Any person

interested shall be entitled to be heard at such meeting in opposition to such improvement. If before such meeting a protest against the improvement, in writing signed by the owners of two-thirds of the frontage upon such streets or section of the street, and acknowledged as deeds of real estate are required to be acknowledged, be filed with said board, it shall not order the proposed improvement, nor shall it again consider the same within one year; but the owner of a majority of the frontage of a smaller section of the same street, not less than one block, may file with said board a petition therefor, and in that case said board may order the improvement as therein requested. If the board shall finally determine to make the improvement, it shall notify the owners of the property to be affected thereby, and said owners may, by a writing signed by a majority thereof and filed with the board of public works, designate two of their number to act with the board of public works in the matter of such improvement, and such persons so appointed shall, for that purpose only, become members of the board of public works, and shall have all the powers, in respect to such improvement only, as is by this act conferred upon said board of public works. The board of public works so constituted shall record an order for such improvement in its minutes, shall ascertain the whole cost thereof, and shall apportion the same upon all the real estate fronting upon said street or section of a street then to be improved, in proportion to the benefit to the respective lots and parcels thereof, first deducting the share thereof hereby imposed upon the city, and the share of any portion thereof which any street or other railway company may be liable to pay. The word pavement as herein used is intended to include curbs, gutters, and drains or storm sewers. The board of public works shall report such apportionment and the amount for which such railway company shall be liable and a list of all the lots and parcels of land liable to assessment with the sum in which each lot and parcel is benefited by the improvement, to the common council, and shall cause the share of the cost of such improvement for which the city is liable, to be paid out of the improvement fund, and if there be not sufficient money in said fund for that purpose, and to meet the necessary street expenses until taxes for the next year are paid in, shall report the deficiency to the

common council, which shall borrow the necessary amount, and pay it into the improvement fund, and include it in the next tax levy, and the amount so borrowed shall be repaid within one year from the proceeds of such tax. But the common council may in its discretion, instead of including the amount so borrowed in the next tax levy, issue bonds for the amount so borrowed, or any part thereof. The common council shall assess upon any railway company its share of the cost of said improvement which said share shall be the cost of that portion of the improvement between its tracks, the rails of its tracks and two feet in width on each side of the rails outside its tracks, but shall not include the cost of curbs, gutters or storm sewers or any part thereof. Its portion shall be assessed against any railway company in the same manner as other assessments for local improvements, and the amount so assessed shall be a first lien upon all the property and franchises of such railway company within the corporate limits of said city until fully paid. This section shall not only apply to streets or sections of streets repaved or repaired or to be repaved or repaired, but also to such streets or sections of streets that are newly paved or are to be newly paved. The common council shall assess the residue of such expense upon all the real estate fronting upon said street or section of a street, as hereinbefore provided, in proportion to the benefit to said lots and parcels of real estate respectively, and shall designate in such assessment the names of the owners of said real estate, and shall thereupon cause a notice to be published in one or more newspapers, printed in the city, for two weeks, that such assessment has been made, and that the common council will meet at a time and place to be stated in said notice to hear any objections which may be made to such assessment, and in the meantime the said assessment may be examined, by any person desiring to examine the same. At the time and place specified in such notice, the common council shall hear such objections as shall be made to the said assessment, and shall review the same and may adjourn such proceedings from time to time, and may alter and amend the said assessment in their discretion; and when it shall deem it to be correct, it shall confirm the same and the said assessment shall be forthwith collected in the same manner as other assessments are collected by the chamberlain as pro-

vided in this act, and the amount thereof shall be placed in the improvement fund, and shall be expended only for the purpose of defraying the expense of said improvement. If any real estate so assessed belongs to the city, the amount of the assessment thereupon shall be paid out of the improvement fund, in the same manner as other expenses for local improvements are paid, and may be raised in like manner. The city shall pay the cost of paving the intersections and also the cost of the construction of all the bridges and extra work not properly a portion of the paving, repairing or macadamizing, but incurred in consequence thereof, in the same manner as the city's share of the entire cost is paid. In case any apportionment or assessment heretofore or hereafter made for a local improvement shall have been or shall be set aside by any court of this state having competent jurisdiction, or shall fail or shall have failed through any irregularity in making or confirming such apportionment, or assessment, it shall be lawful for and be the duty of the common council forthwith to cause a new apportionment or assessment including the interest and expenses of the former apportionment or assessment to be levied and collected; and such new apportionment and assessment shall have the same force and effect as though no former apportionment or assessment had been made. The apportionment of the cost of paving, repairing or macadamizing of any street or section of a street may be made either before or after the work is completed, and the amount so apportioned and assessed shall be collected as hereinbefore provided. If the apportionment shall be made before the work is completed, the common council shall borrow whatever amount may be necessary to pay for the construction of the work during its progress and the amount so borrowed shall be placed in the improvement fund, and shall be expended only in payment of such improvement. Any apportionment so made may be corrected, and as corrected shall be apportioned and assessed and confirmed upon the completion of the work in the manner hereinbefore provided, and shall have the same force and effect as though no former apportionment or assessment had been made. The provisions of this section so far as the same are applicable, shall apply in the sprinkling and to the apportionment of the cost thereof, the assessment and collection of the same, of any street

or section of a street, except that if a protest against sprinkling, in writing signed by the owners of more than one half the frontage upon said street or section of a street, and acknowledged as deeds of real estate are required to be acknowledged, be filed with said board, it shall not order the proposed sprinkling, nor shall it again consider the same within one year; but the owners of a majority of the frontage of a smaller section of the same street, not less than one block, may file with said board, a request therefor, and in that case said board may order the sprinkling as therein requested. And except also that no part of the cost of any sprinkling shall be apportioned to nor borne by the city.

§ 66. Sidewalks.—The board of public works shall determine when any sidewalk in said city shall be constructed, relaid or repaired, and shall give to the owner or occupant of the premises in front of which said sidewalk is situate, one week's notice in writing by serving the same personally or ten days by mail, of its determination to construct, relay or repair such sidewalk. If at the expiration of such notice, the owner or occupant of such premises has not commenced the construction, relaying or repairing of such sidewalk the board of public works shall proceed to construct, relay or repair the same, and shall apportion the expense thereof, two-thirds upon the lot or premises in front of which said sidewalk is so constructed, relaid or repaired and one-third upon the city, and shall certify such apportionment to the common council and shall cause the share apportioned to the city to be paid from the improvement fund. The common council shall assess the amount so apportioned to the lot or parcel of land benefited by such improvement in the same manner as apportionments for paving are assessed as hereinbefore provided, and may provide for the payment of such assessments in instalments and borrow the money so assessed in the same manner as the amount of assessments for paving are authorized to be borrowed as hereinbefore provided. The amount of the city's share of the construction, relaying or repairing such sidewalks shall not exceed the sum of three thousand dollars in any one year. All sidewalks constructed, relaid, or repaired in the city shall be constructed, relaid or repaired according to the specifications established by the board of public works and shall be laid to the width, line and grade, now established or here-

after established, as by this act provided. The owner of any property in the city upon receipt of a notice from the board of public works, as provided for in this section, may proceed to construct, relay or repair the sidewalk in front of the lot or parcel of land specified in such notice, and, provided such walk is commenced within one week from the receipt of such notice and prosecuted without delay, and, provided such sidewalk is constructed, relaid or repaired according to the specifications of the board of public works, and laid to the line, grade and width established as herein provided, one-third of the expense thereof shall be paid by the city as by this section provided; provided, however, that the cost of the construction, relaying or repairing of such sidewalk shall not exceed the cost of similar work performed by the board of public works.

§ 67. Assessments for local improvements.—Two-thirds of the entire cost of paving, repairing or macadamizing any street or section of a street or public place or square, less that portion which any railroad company or other corporation holding a public franchise for the use of a portion of such street, place or square, shall be legally liable to pay, shall be assessed upon all the real estate fronting thereupon in proportion to the benefit derived by the respective parcels thereof, and the remaining one-third of such cost shall be borne by the city and shall be defrayed by general tax. In addition to the one-third to be paid by the city at large the said city shall also pay its proportion of all paving, repairing and macadamizing opposite property owned by it in the same manner and in the same proportion as if said property were owned by a private individual. Said cost shall in the discretion of the board of public works, include the expense of furnishing and laying the necessary lateral pipes, or conduits, from the sewer, gas and water mains in said street, section of street, public place, or square, to the curbing on each side, in front of, and for the use and benefit of any lot or lots or subdivision thereof, on said street, section of a street, public place, or square, and connecting said lateral pipes, or conduits, with the main of each said sewer, gas and water pipes respectively; and the board of public works whenever such expense shall be included shall lay and connect said lateral pipes or conduits as above mentioned; but such expense shall be added to the amount of the assessment to be made on the lot or lots, or subdivision

thereof, for the use and benefit of which said lateral pipes or conduits may be laid and connected, for paving, repairing or macadamizing as the case may be, in this title provided, and collected therewith, and in the same manner. Property abutting on more than one street shall under this act be deemed to have a frontage on each of said streets for the purposes of paving, repairing or macadamizing said respective streets.

§ 68. **Cleaning sidewalks of snow and ice.**—It shall be the duty of every owner or occupant of every lot or parcel of land to keep the sidewalks adjoining his lot or piece of land at all times clean and free from snow, ice or other obstructions. It shall be the duty of such owner or occupant to remove new ice and freshly fallen snow from such sidewalk before twelve o'clock noon of each day and to keep the same so cleaned and removed at all times. In case such owner or occupant shall neglect or refuse to clean said sidewalk within such time, he shall be subject to such fine or penalty therefor as shall be prescribed by the board of public works, and in addition thereto the superintendent of public works shall, in such case, proceed to clean the same without notice to such owner or occupant. In case any sidewalk in said city shall, at any time, in the judgment of the superintendent of public works otherwise require cleaning, said superintendent shall serve a notice upon the owner or occupant of the adjoining lot requiring him to clean the same within twenty-four hours after the service of such notice. Such notice shall be served in the same manner as the notice for the construction or repair of sidewalks, as provided in section sixty-six of this title. If such notice be served by mail the owner shall have two days after service thereof within which to comply with such requirements. If any person so required to do any such cleaning, shall neglect or refuse to do the same within the time prescribed therefor, the said superintendent shall clean the same in such manner as he shall deem proper and suitable, in which case he shall report the fact and the expense thereof to the city clerk, who shall give notice of the expense thereof to the owner, in the same manner as notices to do the cleaning, requiring the payment of such expense to the city chamberlain within ten days after the delivery or mailing of such statement. If such expense be not paid to the city chamberlain within the time prescribed therefor, the said superintendent shall file his

affidavit of the actual expense thereof with the clerk of the city, and the same shall thereupon be assessed by the common council and collected the same as other local assessments.

§ 69. **Street cleaning and repairing.**—The board of public works shall have power to cause the streets, lanes, alleys, highways and public grounds and places of said city to be cleaned and repaired from time to time and the expense thereof shall be paid by the city.

§ 70. **Work may be done by contract.**—Except as herein otherwise provided, all work within the purview of this title, may, in the discretion of the board of public works, be done by contract, to be let to the lowest bidder under the regulations and limitations prescribed in this act.

§ 71. **Guardian ad litem for infant defendants.**—Whenever an infant or other incompetent person shall be interested in real estate affected by any improvement provided for by this title, the county court of Oswego county or the supreme court, shall have power to appoint a guardian in the nature of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment shall direct.

§ 72. **County court always open.**—The county court of Oswego county shall always be open for the transaction of any business or making of any motion or application contemplated by this title. Errors and irregularities in the proceedings contemplated by this title, if shown to injuriously affect a party or parties thereto, may be corrected on review thereof, on the application of the party injured, or his damages occasioned thereby recovered in an action against the city, subject to the regulations of this act.

§ 73. **Taxes and assessments under this title, lien of.**—Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed, for ten years from the filing of such assessment roll, superior to any mortgage, judgment or other lien of any nature, except city taxes, affecting the same, and shall have priority thereto, or to any conveyance thereof, and notice to the occupant or tenant shall be held to be deemed a notice to the owner or owners of said real estate.

TITLE VI.

WATER WORKS; SEWERS AND LIGHTS.

Section 80. Water works system, control and extension of.

81. Water pipes in highways outside city.

82. Connections with mains.

83. Rules, ordinances and rents continued.

84. Acquisition of additional water rights.

85. Outside extension of mains.

86. Supplying water outside of corporate limits.

87. Collection of water-rents.

88. Sewers, power of board of public works in respect to.

89. Sewer system for west side of river.

90. Contracts for construction of system.

91. Expense of construction, how raised.

92. Sewer funds, how apportioned.

93. Extension of sewer system.

94. Expense of maintenance of sewers.

95. Rights for construction and maintenance of sewers.

96. Establishing grades, et cetera.

97. Public lighting, contracts therefor.

Section 80. Water works system, control and extension of.—The board of public works shall have control and supervision of the water works system, shall keep it in repair, and may from time to time extend the mains and distributing pipes, if the expense thereof in any year shall not exceed the net income of the plant, after providing for necessary repairs, current expenses and the sinking fund for the payment of principal and interest on water bonds due or to become due in such year.

§ 81. **Water pipes in highways outside city.—**The board may cause water pipes or mains to be laid, relaid or repaired along, under or across any public highway in the county of Oswego or in an adjoining county, for the purpose of introducing water into or through the city, and shall cause the surface of such highway to be restored to its usual condition.

§ 82. **Connections with mains.—**Supply pipes connecting with mains and used by private owners or occupants shall be laid and kept in repair at their expense. Such pipes can only be

connected with the mains by the permission and under the direction of the board of public works. Any member of the board or its authorized agent may at any time enter a building or upon premises where water is used from supply pipes, and make necessary examinations.

§ 83. **Rules, ordinances and rents continued.**—The rules and ordinances, and scale of water rents heretofore adopted and established by the board of water commissioners of the village of Fulton shall be continued until the same are amended, modified, repealed, or re-established by the board of public works. The board may adopt other and additional rules and ordinances not inconsistent with law, for enforcing the collection of water rents and relating to the use of water, and may enforce observance thereof by cutting off the supply of water, or by the imposition of penalties, and may amend, revise, modify, change or repeal the existing rules and ordinances and scale of water rents, whenever in its judgment it is advisable to do so.

§ 84. **Acquisition of additional water rights.**—A proposition may be submitted at a general or special city election to authorize the board of public works to acquire additional water or water rights at an expense not exceeding the sum specified therein. If adopted, such improvement shall be made accordingly. For that purpose, the board may take all the steps and proceedings provided by the condemnation law.

§ 85. **Outside extension of mains.**—A proposition to extend water mains outside the city may be submitted at a general or special city election. Such proposition shall contain a general description of the proposed extension, and the estimated expense thereof. If the proposition be adopted the board of public works shall make the extension accordingly. For that purpose the said board shall possess the same powers and be subject to the same duties and liabilities as prescribed in the last preceding section.

§ 86. **Supplying water outside of corporate limits.**—The board of public works may sell to a corporation or individual outside the city the right to make connections with the mains for the purpose of drawing water therefrom and fix prices and conditions therefor. The board shall not sell nor permit the use of water under this section, if thereby the supply for the city

or its inhabitants will be insufficient, and if after such rights are sold the supply shall become insufficient the supply to such corporations or individuals outside the city shall be cut off, and the city shall not become liable thereby for any damage suffered by such outside consumers by reason thereof.

§ 87. **Collection of water rents.**—The board of public works is charged with the duty of collecting the water rents in the same manner as such rents have been heretofore collected by the board of water commissioners of the village of Fulton, and the receipts from such rents, or from any other source pertaining to the water department, shall be deposited daily with the city chamberlain, and credited by him to the water fund.

§ 88. **Sewers, power of board of public works in respect to.**—The board of public works shall have power:

1. To make, regulate, repair, extend, discontinue, alter and clean public sewers and extension of sewers and to construct additional sewers in the city.

2. To fix and determine by resolution the terms and conditions upon which, the size, dimensions, and materials with which, and the mode, manner and time in which, any private or lateral sewers connecting directly or indirectly with any public sewer may be made.

3. To enact all requisite and proper ordinances relating to the control, regulation, protection and use of public sewers in said city.

§ 89. **Sewer system for west side of river.**—1. The board of public works shall, whenever it may deem it expedient, but within two years from the passage of this act, cause to be constructed or commence the construction of, a sewer system for that portion of the city lying west of the Oswego river, at an expense however, not exceeding seventy thousand dollars including the map and plans thereof.

2. **Construction of sewer.**—Before taking any proceeding for the construction of such sewer system, the board of public works shall cause a map and plans of such sewer system to be made, with specifications of dimensions, connections and outlets or sewage disposal works. Such map and plans shall be submitted to the state board of health for its approval, and, if approved shall be filed in its office. A copy thereof shall also be filed in the office of the city clerk. The map and plans may

be amended with the approval of the state board of health, and if amended, shall be filed in the same manner as the original.

§ 90. **Contracts for construction of system.**—The board of public works shall advertise for proposals for the construction of such system, either under an entire contract, or in parts or sections, as the board may determine. Such advertisement shall be published once in each of two successive weeks in each newspaper published in the city. The board shall require a deposit from the person submitting a proposal, of not less than three per centum of the estimated cost of said sewer system or part or section thereof; such deposit to be forfeited to the city, in case such person shall refuse to enter into a contract in accordance with his proposal. The board may accept or reject any proposal, may contract with other than the lowest bidder, or may reject all proposals and advertise again. No contract shall be made by which a greater amount shall be agreed to be paid than the maximum stated in the last preceding section.

§ 91. **Expense of construction; how raised.**—When the contract is determined the board of public works shall certify to the common council the total cost thereof, including the cost of the map and plans, supervision and engineering. The common council shall issue bonds of the city for the amount so certified. The proceeds of said bonds shall be paid to the city chamberlain and placed by him to the credit of the sewer fund.

§ 92. **Sewer bonds; how apportioned.**—Such proportion of the bonds issued in pursuance of the last preceding section as shall bear the same proportion to the cost of the entire sewer system of the city as the assessed valuation of the west tax district bears to the entire assessed valuation of the city, shall be a charge on the west tax district, and the principal and interest of such proportion of said bonds as aforesaid shall be levied and collected from said west tax district; and the balance thereof shall be a charge on the east tax district, and shall be levied and collected from said east tax district.

§ 93. **Extension of sewer system; additional sewers.**—A proposition for the extension of the sewer system of the city or to build additional sewers other than as provided for in the last preceding four sections may be adopted at a general or special city election. If such proposition be adopted the board of pub-

lic works shall proceed to construct such extension or additional sewers accordingly and shall proceed in respect thereto in the same manner as is provided by sections ninety and ninety-one of this title.

§ 94. **Expense of maintenance.**—The expense of the maintenance, repair and alteration of the sewer system of the city and works connected therewith shall be a charge upon said city and shall be paid from the sewer fund of said city in the manner hereinbefore provided.

§ 95. **Rights for construction and maintenance of sewers.**—The board of public works shall have power to acquire for and in the name of the city, by agreement, appraisal or condemnation, any lands, easements, privileges, rights and estates necessary for the construction and maintenance of sewers, and may also enter upon any lands or waters for the purpose of making the necessary surveys, provided that, in all cases involving an expenditure of money, it shall have first submitted to the common council its estimate of the cost of such real estate and that the common council shall have approved the same and authorized the expenditures proposed, or that the same shall have been approved by the taxpayers at a special election.

§ 96. **Establishing of grade, et cetera.**—The board of public works shall, within two years after the passage of this act, fix and establish the grade line of all streets, sidewalks, public places and squares in the city; shall cause to be prepared a map of the city, with necessary profiles, showing the boundaries, alignment and grade of all the streets, the grade line of all sidewalks, the boundaries and grades of all the public places and squares, and the location of the sewers and water mains and hydrants and shall thereafter change and add to such map so as to make it conform to any alterations in said boundaries, grades and alignments made by such board, and show all extensions of the sewers that shall be made. Any map conforming substantially to the requirements of this section, made by the authorities of the villages of Fulton or Oswego Falls, or of any department thereof, shall be regarded as made hereunder, and may be used in place of, or as a part of the map hereby required.

§ 97. **Public lighting; contracts therefor.**—The board of public works may contract in the name of the city, with an individual

or corporation for lighting the streets, public grounds and public buildings of the city by gas, or electricity or other substance, but such contract shall not be made for a longer period than ten years nor at an expense for each fiscal year, exceeding two and one-half mills on every dollar of taxable property as appears on the last preceding assessment roll, unless authorized by a proposition adopted at a city election.

TITLE VII.

BOARD OF FIRE AND POLICE COMMISSIONERS AND FIRE AND POLICE DEPARTMENTS.

Section 110. Control of fire and police departments vested in board.

- 111. President of board.
- 112. Meetings of board.
- 113. Powers and duties of the board.
- 114. Custody and sale of property.
- 115. Organization of fire department.
- 116. Volunteer firemen to be preferred.
- 117. Pay of firemen.
- 118. Duties of chief and assistants.
- 119. Exemption of firemen from military and jury duty.
- 120. Organization of police department.
- 121. Special policemen.
- 122. Qualification of police.
- 123. Duration of office of members of police force.
- 124. Vacancies in police force.
- 125. Powers and duties of chief of police.
- 126. Powers and duties of police.
- 127. Service of criminal process.
- 128. Expense of execution of process.
- 129. Enforcement of ordinances by police.
- 130. Presents or rewards.
- 131. Officers not to be delegates.
- 132. Unlawful conduct at primaries.
- 133. Exempt from military and jury duty.
- 134. Payment of salaries and expenses.
- 135. Charges; trials thereon.
- 136. Station houses.
- 137. Commitment to police station; account of criminal expenses chargeable to county.

Section 110. Control of fire and police departments vested in board.—The mayor first elected under the provisions of this act shall on or before the first day of May, nineteen hundred and two, appoint three fire and police commissioners, who shall constitute the board of fire and police commissioners and shall hold office until the first day of January, nineteen hundred and four, thereafter. The incoming mayor on or ten days prior to the first day of January succeeding his election shall appoint their successors who shall hold office for two years from the said first day of January. The powers and duties connected with and incident to the control, government and discipline of the fire and police departments of the city of Fulton shall be vested in and exercised by said board appointed as provided in this section.

§ 111. President of board.—The members of said board of fire and police commissioners shall select one of their number to act as president of said board, who shall preside at the meetings when present, but who shall not at any time lose his vote as commissioner by reason of his acting as presiding officer.

§ 112. Meetings of board.—Said board of fire and police commissioners shall hold meetings at least once in each month, and special meetings may be held on the call of the president or any two members of the board. The attendance of two commissioners shall be necessary to constitute a quorum. No meeting of the board shall be held for the appointment or discharge of any paid employee without serving a written or printed notice thereof upon each of the commissioners, or leaving it at his place of residence, at least three hours before the time of meeting, and no appointment or discharge of any such employee shall be made, except by the affirmative vote of a majority of all the commissioners.

§ 113. Powers and duties of the board.—The board of fire and police commissioners is charged with the care and custody of all property of the city connected with or appertaining to the fire and police departments and it shall have power:

1. To purchase all supplies, engines, hose, hook and ladder carts, and carriages, horses or teams that may be necessary for use of the fire department.

2. To appoint the chief and assistant of the fire department, the officers of the different engine, hose and hook and ladder

companies, paid firemen and callmen, chief of police and patrolmen, and to prescribe rules and regulations, not inconsistent with this act or the general laws, for the government and discipline of the fire and police departments and the officers and members thereof.

3. To audit and allow the pay of the call firemen and all claims against the fire and police departments, other than fixed salaries, and draw orders on the chamberlain for the payment thereof from the proper fund, but no claim shall be so audited, allowed or paid unless the liability therefor shall have been incurred by said board or by its express direction.

4. To lease such buildings as may be necessary for use of the fire department, to remodel the buildings owned by the city and used for fire purposes; and if authorized by a proposition adopted at a general or special city election, to buy lands and construct new buildings for the use of said department.

§ 114. Custody and sale of property.—The said board of fire and police commissioners shall have charge of all property now in use or hereafter to be acquired by the city of Fulton for the purpose of extinguishing fires, including all the rooms for storing the same. The said board shall also have power, by and with the approval of the common council of said city, to sell the same or any part thereof, except real estate; the proceeds of such sale to be forthwith paid over to the city chamberlain and by him credited to the fire fund.

§ 115. Organization of fire department.—The fire department shall consist of a chief, an assistant chief, eight paid firemen, and as many call men as the board of fire and police commissioners, from time to time, may determine to be necessary.

§ 116. Volunteer firemen to be preferred.—Active members of the volunteer fire companies comprising the existing fire departments of Fulton and Oswego Falls shall be preferred in all appointments, except chief and assistant, provided they possess the qualifications prescribed by the board of fire and police commissioners, and provided also that no person shall be appointed a paid fireman who shall at the time of his appointment be above the age of thirty-five years.

§ 117. Pay of firemen.—The chief shall receive an annual salary of two hundred dollars, the assistant chief shall receive an annual salary of one hundred dollars, the paid firemen shall re-

ceive a monthly salary of forty dollars, the call men shall receive such compensation per hour for service at fires or when called out for practice or review, as shall be determined by the board of fire and police commissioners, not however, exceeding fifty cents per hour, to be audited by said board and paid by the chamberlain on its order.

§ 118. **Duty of chief and assistant.**—The chief of the fire department, under the direction of the board of fire and police commissioners, shall have the general superintendence and custody of the fire engines and other fire apparatus and conveniences for the prevention and extinguishment of fires, on the east side of the river. It shall be his duty to see that the same are kept in proper order, and to make report, in writing, to the board the state of the department, on the first day of January in each year, and at such other times as the said board may require. It shall be his further duty to be present at fires and to take command of the firemen present, and exercise general supervision and control of the operations and proceedings of the firemen present, and to give direction concerning the same. He shall also have power and discretion to suspend from duty any member of said fire department, and report the same to the board for its action. Any member of the said fire department so suspended shall have an opportunity to be heard in his defense before said board. It shall be the duty of the assistant chief to be present and aid the chief at all fires; and in case of his absence, the powers and duties of the chief shall be exercised and discharged by him. He shall have the general supervision of the fire houses and custody of the fire engines and other fire apparatus and conveniences for the prevention and extinguishment of fires on the west side of the river, always, however, under the direction of the chief and said board.

§ 119. **Exemption of firemen from military and jury duty.**—The chief, assistant chief, and paid men of the said fire department shall be exempt from military and jury duty while in the service of the city, and the call men shall be entitled to the same privileges and exemptions as are accorded by the laws of this state to volunteer firemen.

§ 120. **Organization of police department.**—The said board as soon after its organization as practicable, shall appoint a chief of police and six patrolmen who shall constitute the police de-

partment of the city until the number shall be increased pursuant to a proposition adopted at a city election.

§ 121. **Special policemen.**—Upon the application of any corporation, society, person or persons showing the necessity therefor, the said board may, whenever expedient, appoint and swear in special policemen not exceeding the number so applied for, who shall serve for a time not exceeding that stated in the application, but the compensation of such special policemen, which shall be fixed by the board, shall be paid by the corporation, society, person or persons requesting their appointment. Said special policemen may be removed at any time by the said board, without cause assigned therefor, and notice of such removal shall be forthwith given to the corporation, society, person or persons who applied for their appointment as aforesaid; such board may also, upon any emergency, or for any special purpose appoint not more than ten special policemen at a compensation not to exceed two dollars per day for a term not to exceed five days. The paid firemen, chief and assistant shall have the same powers and shall act as patrolmen when required by said board.

§ 122. **Qualification of police.**—No person shall ever be appointed a chief of police, patrolman or special policeman by said board, or shall continue to hold office as such, who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot understand English, or read and write the English language, or with the exception of the chief of police, who at the time of his appointment is over the age of forty years.

§ 123. **Duration of office of members of police force.**—All the members of the police force, other than special policemen, subject to the power of removal herein specified, shall hold their respective offices during good behavior, or until by age or disease they become permanently incapacitated to discharge their duties.

§ 124. **Vacancies in police force.**—The board of police commissioners shall, within ten days after a vacancy occurs in the police force, for any cause, appoint a successor to the person whose office has become vacant.

§ 125. **Powers and duties of chief of police.**—It shall be the duty of the chief of police, under the direction of said board,

to superintend the police department of said city, of which department he shall be the chief executive officer, and shall have full control of the patrolmen, subject to the direction of said board. He may issue warrants between the hours of nine o'clock post meridian and nine o'clock ante meridian, returnable before the city judge. He shall keep a book of records, to be denominated "police records," in which he shall make daily entries of all the proceedings of his department, and of all the services rendered by him and the several members of the police force. He shall, on the first day of each month, report to the board the state of his department, the service performed by the members of the police force, respectively; the amounts respectively due each of them for their services in the preceding month, and whether any of them have been disorderly in their behavior or delinquent in their duties.

§ 126. Powers and duties of police.—The members of the police force of said city shall possess in every part of the state of New York all the common law and statutory powers of constables, and any warrant for search or arrest issued by any magistrate of the state of New York may be executed in any part of the state by any member of the police force of said city without any endorsement of said warrant and according to the terms thereof; they shall execute the orders and commitments of the city judge in said city, and of all courts held by him for the trial of criminal cases; they shall convey all persons sentenced by him to confinement in any jail, penitentiary, or house of refuge, to such place of confinement, and they shall exclusively serve and execute all civil and criminal process or proceedings issued out of the city court or by the city judge; they shall keep a correct account of all fees received by them, or to which they are entitled, and shall pay over all fees received to the city chamberlain at least once in each month. An account of all fees to which they are entitled which are a county charge shall be assigned by them to said board, which shall present the same to the board of supervisors of Oswego county. When collected, said board shall pay the same over to the chamberlain; all sums so paid to the chamberlain by said board or policeman shall be by him credited to the police fund.

§ 127. Service of criminal process.—All criminal process for any offense committed within said city, issued out of any court,

and all process, subpoenas, bench warrants or otherwise, issued by the district attorney of the county of Oswego, relating to any offense committed within said city, may be served by a member of said police force.

§ 128. **Expenses of execution of process.**—The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force for the arrest, confinement or discharge of any person, or for mileage and travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpoena or other process in any criminal case, other than as herein provided.

§ 129. **Enforcement of ordinances by police.**—The members of the police shall aid in the enforcement of the by-laws and ordinances of said city and the boards thereof, by directing a compliance therewith, whenever an omission so to do is observed, and they shall have the power and it shall be their duty to arrest, without process, any person who violates any ordinance in their presence, and take such person before the city judge, when a formal complaint shall be entered by the officer making such arrest.

§ 130. **Presents or rewards.**—No member of the police force, or special policeman, shall receive any present or reward for services rendered, or to be rendered, unless with the consent of the board of fire and police commissioners, such consent to be given in writing and filed with the clerk; and any one of its number who shall receive any fee or reward in violation of this section shall thereby forfeit his office.

§ 131. **Officer not to be delegate.**—No officer of the police force shall be a member of, or delegate to, any political convention, nor shall he be present at any such convention except in the performance of duty relating to his position as such officer or member; and any violation of these provisions shall work a forfeiture of his office or position, and it shall be the duty of said board to dismiss him from his office or position, and enter on record the cause of such dismissal.

§ 132. **Unlawful conduct at primaries, et cetera.**—It shall be unlawful for any police officer to solicit any person to vote at any political caucus, primary or election for any candidate, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary or election, or to be a member of any political committee; and any person violating the provisions of this section shall forfeit his position under the city government.

§ 133. **Exemption from military and jury duty.**—No member of the police department is liable to military or jury duty; or to arrest on civil process, or to service of subpoena from civil courts, while actually on duty; nor shall he hold any other office or be employed in any other department of the city government.

§ 134. **Payment of salaries and expenses.**—The chamberlain shall pay the salary of the members of the police force monthly, as it shall become due, on the warrant of said board. The contingent expenses of the police department, and for rent of station house and telephones, expenses for office furniture, fuel, light, stationery, printing, advertising, policemen's badges and batons, and other necessary expenses, shall be paid by the chamberlain of said city upon the warrant of said board. All warrants of said board must be authorized by a vote of the board, and be signed by the president and clerk of the city.

§ 135. **Charges, trial thereon.**—If a charge be made by any person against any member of the police force, that he is incompetent, or has been guilty of neglect of duty, misconduct in his office, or of conduct unbecoming a police officer, the charge must be put in writing in the form required by the rules of the police department, and a copy thereof must be served upon the accused officer and filed with the board of police commissioners, unless a member of said board be the person making the charge; and then it shall be the duty of the board of police commissioners to hear, try and determine the charge, according to the rules of the police department. The accused officer shall have the right to be present at his trial, and to be heard in person and by counsel, and to give and furnish evidence in his defense. Any commissioner may issue subpoenas under his hand for witnesses to sustain or refute the charge, and any such witness duly served with a subpoena shall be bound to

attend in obedience to the command thereof, and the said commissioner shall have the same authority to enforce obedience to the subpoena and to punish for disobedience thereof as is possessed by justices of the peace in like cases. If the said board shall find the accused officer guilty of the charge made against him, it may order his pay suspended for some definite time, or impose upon him a fine not exceeding fifty dollars, or reduce his grade, or order his dismissal from the police force, or it may subject him to any other discipline prescribed in the rules of the police department which is not inconsistent with the provisions of this act or with the laws of the state or of the United States.

§ 136. **Station houses.**—The board of fire and police commissioners shall provide and keep in order such station houses, lockups and other necessary accommodations as shall be required for the use of said police force. The said board may also employ some suitable and competent person to serve as janitor of such station houses and lockups, at a compensation to be fixed by them, if authorized so to do by the common council. The town hall of the town of Volney, the title to which is by this act vested in said city, shall be the station house for the purposes of this act, until some other provision is made therefor by the common council.

§ 137. **Commitment to police station; account of criminal expenses chargeable to county.**—The city judge of the city may commit to the police station, in said city, any person charged with crime and pending an examination for trial therefor, and the officer in charge of said police station in said city is authorized and required to receive any such person so committed, and detain him in custody in accordance with such committal. The said board shall, at the annual meeting of the board of supervisors of the county of Oswego, render to said board of supervisors an itemized account of such criminal expenses as shall be properly chargeable to the county of Oswego. Such expenses, which shall include board of prisoners, expense of transportation of prisoners under sentence or commitment to place of confinement, and the sum of twenty-five cents for each transient poor lodger sent by the commissioner of charities of said city to such station houses, shall be audited by the said board of supervisors and provided for and paid in the same manner

as all other county charges. Said money shall be received by the city chamberlain and credited to the police fund.

TITLE VIII.

DEPARTMENT OF PUBLIC INSTRUCTION.

Section 150. City, permanent school district.

151. Outside territory to constitute separate districts.

152. Children of separate districts may attend schools of city; terms.

153. Board of education.

154. Appointment of members of board of education; organization of board.

155. Superintendent of schools.

156. General powers and duties of president

157. Clerk and his qualifications.

158. General powers of board of education.

159. Powers of board of education to raise tax for support of schools.

160. Payment of funds to chamberlain.

161. Power of board of education to purchase sites, et cetera.

162. Annual report of board of education.

163. State superintendent to apportion state moneys.

164. Common council to pass ordinances for protection of school property.

165. Charges against members of board of education.

166. Report of superintendent of schools.

167. District a union free school.

Section 150. City, permanent school district.—The said city of Fulton shall form a permanent school district, and shall not be subject to alteration by the district school commissioner of common schools. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred upon school districts by law or other state authority, and shall, except as otherwise provided in this act, be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to school districts in cities.

§ 151. **Outside territory to constitute separate districts.**—All that territory in the town of Volney outside the corporate limits of said city, now constituting a portion of union free school district number one of the town of Volney, and all that territory in the town of Granby outside the corporate limits of said city, now constituting a portion of union free school district number two of the town of Granby, are hereby constituted separate school districts of said towns respectively. Said districts shall possess the same powers and privileges, and be subject to the same liabilities, as other school districts in said towns.

§ 152. **Children of separate districts may attend schools of city; terms.**—The children residing in the separate school districts constituted by the last preceding section shall be admitted to the schools of said city and treated in all respects the same as children residing in said city, so long as said districts shall remain as constituted by the last preceding section, not however, exceeding a period of ten years. Said districts shall pay for each child so admitted to said schools, a sum per capita equal to the cost per capita to said city of all children attending the schools of said city. The amount chargeable to said districts shall be certified annually to each district by the board of education of the city of Fulton. Said districts shall apply on such sum so certified, all state school funds allotted to said districts, and the balance thereof shall be assessed, levied and collected by each such district in the same manner as ordinary school expenses of other school districts in Oswego county are assessed, levied and collected. Said sums, when so received and collected, shall be paid over to the city chamberlain, and by him credited to the school fund of the city.

§ 153. **Board of education.**—The affairs of said school district of the city of Fulton shall be managed by a board of seven members, to be appointed in the manner provided in this act, which board shall be known and designated as the board of education of the city of Fulton. Said board and its successors shall possess all the powers conferred, and discharge all the duties imposed by this act, or by any general law of the state relating to school districts in cities, or relating to boards of education of such districts, and not inconsistent with the

provisions of this act. The title to all real estate and personal property now belonging to union free school district number one of the town of Volney, and union free school district number two of the town of Granby, is hereby vested in the city of Fulton; and all moneys and funds belonging to said districts shall be paid over and delivered to the chamberlain of said city, and credited by him to the school fund of said city. All the rights, powers, privileges, contracts, obligations and liabilities of said union free school districts are hereby transferred to, vested in and imposed upon the city of Fulton; and the rights and privileges of all persons that may have arisen or accrued prior to the passage of this act shall remain and be enforced by or against the city of Fulton, in the same manner and with like effect as the same might have been enforced by or against the board of education of union free school district number one of the town of Volney and union free school district number two of the town of Granby if this act had not been passed; subject, however, to the provisions of this act.

§ 154. Appointment of members of board of education; organization of board.—On or before the first day of May, nineteen hundred and two, the mayor of said city shall appoint seven members of the board of education, as follows: two members whose term shall expire January first, nineteen hundred and three, two members whose term shall expire January first, nineteen hundred and four, and two members whose terms shall expire January first, nineteen hundred and five; one of said members shall be appointed from each ward of the city, and shall reside therein; he shall also appoint one member from the city at large, whose term shall expire January first, nineteen hundred and four. Thereafter, and on or ten days prior to the first day of January in each year, the mayor shall appoint members to fill the terms then expiring; the ward members for the term of three years, and the member at large for the term of two years. The said members of the board of education shall meet on the first Tuesday in May, nineteen hundred and two, and elect one of their number as president, who shall hold office until January first, nineteen hundred and four. Each two years thereafter, at the first meeting in January, said board shall elect one of its members president, who shall hold said office for the ensuing two years.

§ 155. Superintendent of schools.—The said board of education, on the first Tuesday in May, nineteen hundred and two, shall appoint a superintendent of schools, whose term shall expire January first, nineteen hundred and four. Thereafter, and at its first meeting in January, of each even numbered year, said board shall appoint a successor to said superintendent of schools, for the term of two years. Such superintendent shall be under the direction of the said board of education, which shall prescribe his powers and duties; he shall be paid from the school fund a salary, to be fixed by the board of education. Whenever such superintendent shall be appointed, the said school district shall be entitled to the benefits of the provisions of section five of title two of article one of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four.

§ 156. General powers and duties of president.—The president of the board of education shall preside over meetings of the board, when present, and perform such executive acts and duties as is required by this act and general laws, and such other lawful business as shall be given him or her in charge by said board.

§ 157. Clerk and his qualifications.—The superintendent of schools shall be clerk of the board of education, and shall act as secretary and keep the minutes of said board, and shall perform such other duties as may be required by this act and the general school laws of the state, and such other duties as the board may prescribe.

§ 158. General powers of the board of education.—Subject to the provisions of this act and of the general consolidated school laws, the board of education of the city of Fulton shall have power:

1. To alter, improve and repair school houses and appurtenances, as it may deem advisable.

2. To purchase, sell or exchange, improve and repair school apparatus, books, furniture and appendages, and to defray the necessary expenses attending the same.

3. To have the custody and safe keeping of the school buildings, lots, outhouses, books, furniture and appendages, and to see that the ordinances and by-laws of said city in regard thereto are enforced, and any violation thereof punished.

4. To contract with and employ all necessary teachers for the schools of the city, under such conditions, rules and regulations as may be established by the board, provided that such rules and regulations are in accord with the general school laws of the state and the rules and regulations established by the department of public instruction of the state.

5. To pay the salaries of superintendent of schools and teachers out of any moneys appropriated or provided by law for that purpose.

6. To defray the necessary expenses of the board and district, including the wages of janitors and other assistants and employees, and incidental expenses.

7. To expend all moneys, raised by virtue of this act, for purchasing sites, erect or enlarging school houses, or for other purposes, in such manner as may be deemed advisable, but only for the purposes for which the same was raised.

8. To license, upon the recommendation of the superintendent of schools of said city, all teachers employed in the schools of the city, in the same manner and with like effect in said city, as school commissioners of counties, and to fix the grade of state licenses of teachers that shall be accepted as the minimum requirement for teachers in said city.

9. To take and appropriate lands and other real property within said city for school purposes, upon making compensation therefor in the same manner and under the same proceedings as prescribed in this act, and as conferred upon the board of public works for opening of streets and highways.

10. To have, to the exclusion of all boards and officers, except the superintendent of public instruction and the regents of the university of this state, the entire supervision and management of the schools of said city; from time to time to adopt, alter, modify or repeal, as it may deem expedient, rules and regulations for its organization, government, and instruction; for the reception of pupils and their transfer from one school-room or school house to another; for their advancement from class to class as their degree of scholarship shall warrant, and generally to promote the good order, efficiency and prosperity of all the schools of the city.

11. To allow the children or persons nonresidents of the city to attend any of the schools therein under the control of the

said board, upon such terms as said board may, by resolution, prescribe.

12. To establish and maintain a city school library and provide suitable rooms for the use of the same; to exercise the same discretion as to the disposition of the moneys provided by law for the purchase of libraries as is conferred upon the inhabitants of school districts.

13. Other than as provided by this act, to exercise all the powers conferred upon the inhabitants of school districts at school district meetings.

14. Other than as provided in this act, to exercise all the powers conferred, and all the duties imposed by the general laws of the state applicable to boards of education in cities. The records of the proceedings of said board, or a transcript thereof, certified by its president and clerk, shall be received in all courts or places as prima facie evidence of the facts therein stated.

§ 159. Powers of board of education to raise tax for support of schools.—On or before the fifteenth day of October in each year, the said board of education shall prepare a statement of such sums of money as it shall deem necessary during the fiscal year commencing with the first day of January next ensuing, for each of the following purposes:

1. For wages of superintendent and teachers, after applying such of the public school and other moneys as may be applicable thereto.

2. For the maintenance of a high school, if one shall have been established, and the payment of the teachers thereof after applying such of the public school and other moneys as may be applicable thereto.

3. For the repair of schoolhouses, outhouses and grounds with the appendages and appurtenances.

4. For the purchase, repair or improvement of school apparatus, books, furniture and fixtures.

5. For the purchase of fuel and lights and to pay contingent expenses of the district, including the salaries of janitors, assistants, employees, and incidental expenses.

Before the meeting of the board of education at which the aforesaid statement is prepared, the said board of education shall give to the mayor official notice thereof, and the mayor

shall attend said meeting and be accorded the right of inquiry into all the items of said statement, and all the privileges in said meeting of the members of said board, except the privilege of voting. Whenever the board of education shall finally have determined on the statement of expenses itemized as heretofore provided, it shall present the same to the mayor or acting mayor of the city of Fulton. If the mayor or acting mayor approves such statement he shall sign it, and immediately file the same with the city clerk; if he does not approve any item therein, he shall within five days return the statement with his objection endorsed thereon or annexed thereto, to the president of the board of education. Said board shall then proceed to reconsider such statement, and if two-thirds of the members then in office agree to sustain the statement as made, it shall stand as if it had been approved by the mayor, and shall be immediately filed with the city clerk. If two-thirds of the members of said board do not agree to sustain the statement as made, it shall be modified so as to conform to the views expressed by the mayor in his objection, and he shall then sign it and file it with the city clerk. If the mayor or acting mayor fails to sign a statement of moneys required as herein provided, or fails to return within five days after its submission, said statement with his objections thereto to the board of education, said statement shall be filed with the city clerk in the same manner as if it had been approved. When such statement is filed with the city clerk, the common council of said city shall include in the annual tax and assessment roll for the ensuing year the amount specified in said statement and the same shall be collected by the city chamberlain, who shall credit the same to the general school fund of the city.

§ 160. **Payment of funds to chamberlain.**—All public moneys or public funds now belonging or appropriated to the use of said school district number one of the town of Volney, or of said school district number two of the town of Granby, shall be paid to the chamberlain of said city, who shall keep the same separate from the general funds of the city and shall credit to the school fund the moneys or property belonging thereto. The board of education shall disburse all the school funds of said district by orders upon the chamberlain signed by the president and countersigned by the clerk of said board;

said orders shall be numbered consecutively, and shall specify the purpose for which they are drawn and the person to whom payable. Upon request from said board, the chamberlain shall certify, from time to time, the balance remaining to be collected by or paid to him for school purposes.

§ 161. Powers of board of education to purchase sites, or addition to any site, or erect or enlarge any school building.—Whenever the board of education shall resolve by an affirmative vote of two-thirds of its members that it is necessary to purchase a site or addition to any site, or erect any school building or enlarge any school building already erected, it shall specify in such resolution the ward within which such site is to be purchased, or building erected or enlarged, and the particular sum required for each separately. The board of education shall then deliver a certified copy of such resolution to the common council, which shall, within thirty days of the receipt of said resolution, call a special election of the qualified electors of said city to vote for or against such appropriations as the proposed expenditures will impose. Said election shall be conducted and the result declared and certified pursuant to the provisions and manner prescribed for conducting special elections provided in this act. In case a majority of the votes cast be in favor of any of said appropriations, the common council shall borrow upon the faith and credit of said city the aggregate of the items having such majority, or any part thereof, at any time before and until the same can be provided for according to law. The common council shall issue bonds of the city therefor.

§ 162. Annual report of board of education.—It shall be the duty of the board of education, on or before the first day of January in each year, to make to the common council of the city a detailed report of the manner in which it shall have expended the money provided for and appropriated to school purposes from any source during the last fiscal year; and such report shall be published by the common council in connection with, and as a part of, the annual report of the financial transactions of the city, which they are required by law to publish.

§ 163. State superintendent of public instruction to apportion state moneys.—It shall be the duty of the superintendent of public instruction of the state, to apportion for the use of

the said board of education of the city of Fulton such portions of the school, school library, and other public money, as it shall be entitled to by its annual report, in the same manner in which such moneys are apportioned to cities; and the amounts to which it shall be so entitled shall be certified to the county treasurer of Oswego county. The said county treasurer of Oswego county shall pay over to the city chamberlain of the city of Fulton, for the use of said city, such proportion of the school, school library, and other public money as may be apportioned by law or by the superintendent of public instruction of the state to the board of education of the city of Fulton for teachers' wages, school library, and other school purposes.

§ 164. Common council shall pass ordinances for protection of school property.—The common council of the city of Fulton shall have the power, and it shall be its duty, to pass such ordinances and by-laws as the board of education of said city shall report necessary for the protection, safekeeping, care and preservation of the school buildings and other school property of said district, and to impose such penalties for the violation of the same as it shall deem proper.

§ 165. Charges of misconduct or neglect of duty of any member of board of education.—Charges of misconduct or violation or neglect of duty on the part of any member of the board of education may be presented to said board by any member thereof, or by any elector of the city of Fulton, and such charges shall be duly examined by such board, at a regular or special meeting, of which the accused member shall have at least five days' notice, but at which meeting said accused member shall not be entitled to vote. If at such meeting, after hearing the evidence on both sides, said board shall deem the charges against the member sustained, then all the papers and documents in the case, with a transcript of the proceedings of the meeting, shall be transmitted by the clerk of the board of education to the superintendent of public instruction of the state; and upon his approval of the findings of the board, the accused member shall be removed and his place deemed vacant.

§ 166. Report of superintendent of schools.—The superintendent of schools of the city of Fulton shall confer with and act under the direction of the board of education of said city in the performance of his duties. He shall, subject to the direction of said board, have general control and supervision of the pub-

lic schools in said city, and of the teachers employed therein, and shall, on or before the first day of January in each year, or at such other time or times as shall be required by said board, report in writing to the board of education on the following subjects:

1. The whole number of schools within the jurisdiction of the board of education, their cleanliness and their sanitary condition.

2. The repairs or alterations, if any, that are necessary for each of said schools.

3. The condition of the school furniture, apparatus and books, in the several schools, and the repairs and additions thereto that may be necessary.

4. The number of teachers employed in the several schools, their grade of work, and their efficiency, with suggestions as to the increase or decrease in the number thereof.

5. The number of pupils registered in each school, the average daily attendance, and also the number of pupils enrolled in each grade in the several schools.

6. Such changes in the organization and curriculum of any or all of the schools as he may deem advisable.

7. Such other information in relation to the city schools as may be of interest to the people of Fulton.

§ 167. **District a union free school.**—The said district shall be deemed, and is hereby declared to be, a union free school district under the laws of the state relating to public instruction. All provisions of law, not inconsistent with the provisions of this act, applicable to school districts whose limits correspond with any incorporated city, and the board of education therein, and the corporate authorities of such cities, are made applicable to the school district hereby established, and to the board of education thereof, and to the corporate authorities of the city of Fulton.

TITLE IX.

THE BOARD OF HEALTH.

Section 175. Board of health; how appointed.

176. President of the board.

177. Health officer.

178. Powers and duties of board.

179. Clerk of the board of health

Section 175. Board of health; how appointed.—The mayor first elected under the provisions of this act shall, before the first day of May following his election, appoint three members of the board of health, who shall hold their office until the first day of January, nineteen hundred and four. Thereafter, the incoming mayor shall, on, or ten days prior to, the first day of January of each even numbered year, appoint their successors, who shall hold office for two years from the said first day of January.

§ 176. **President of the board.**—The said board, at its first meeting, shall select one of its number who shall be president of the board of health during his term of office. Said board shall be organized under the public health law of the state.

§ 177. **Health officer.**—The city physician shall, by virtue of his office, be the health officer of the city. The said officer shall be under the direction of said board of health, and shall perform such duties as may be required by said board of health, not inconsistent with this act and the general laws of the state.

§ 178. **Powers and duties of board.**—The board of health and the members thereof shall have all the powers and be charged with all the duties and responsibilities conferred and imposed upon local boards of health, and the members thereof by the general laws of the state, so far as the same pertain to cities, except as herein otherwise provided.

§ 179. **Clerk of the board of health.**—The city clerk shall be the clerk of the board of health.

TITLE X.

DEPARTMENT OF CHARITIES.

Section 180. Appointment of commissioner.

181. Powers and duties of commissioner of charities.

182. Monthly report of commissioner.

183. Common council to audit accounts.

184. Commissioner not to be interested in purchases.

185. Penalties.

186. Liquor not to be sold to city poor.

Section 180. Appointment of commissioner.—On or before the first day of May succeeding the first election under this act, the

mayor shall appoint a commissioner of charities, who shall hold his office until the first day of January, nineteen hundred and four. Thereafter, the incoming mayor shall, on, or ten days prior to, the first day of January of each even numbered year, appoint his successor for the term of two years.

§ 181. Powers and duties of commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Fulton shall, within the city of Fulton, have and exercise the same powers and discharge the same duties to the exclusion of any other officer, as overseers of the poor in towns. The commissioner of charities of the city of Fulton shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of the state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode, and examine into their circumstances, and ascertain to what extent they are, or may be, in need and entitled to permanent or temporary relief or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief; and false swearing during such examination shall be deemed wilful perjury. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 182. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per

pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 183. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done, or meals, provisions or supplies furnished, under the direction of the commissioner of charities of said city, or for medicines furnished by order of the city physician, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month; all such claims, accounts and charges, shall, if approved, be audited by the common council, and paid from the poor fund of said city.

§ 184. Commissioners not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods or articles or relief furnished. For any violation of any provision of this section, said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

§ 185. Penalties.—Any violation to whom relief shall be furnished by the commissioner of charities, or the city physician, who shall sell or exchange any article or property so furnished, for intoxicating liquor, or for money, shall be guilty of a misdemeanor; and any person who shall exchange intoxicating liquor for any article so furnished as relief or charity, knowing the same to have been thus furnished to such person as a poor person, shall be guilty of a misdemeanor.

§ 186. Liquor not to be sold to city poor.—Any person who shall, either directly or indirectly, sell, or give away, to any

person who is wholly or partially a charge upon the department of charities of the city, any intoxicating liquor, shall forfeit a penalty of one hundred dollars for each offense, to be sued for and recovered by the city for the benefit of the poor fund, and in addition thereto shall be guilty of a misdemeanor.

TITLE XI.

DEPARTMENT OF JUSTICE.

Section 190. City court.

- 191. Election of city judge.
- 192. Rooms and supplies.
- 193. Jurisdiction in civil cases.
- 194. No jurisdiction in certain civil matters.
- 195. Jurisdiction in criminal cases.
- 196. Vacancies.
- 197. Powers and duties of judge.
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- 199. Jurisdiction of persons, and service of process.
- 200. Practice, et cetera.
- 201. Practice, et cetera.
- 202. Judgments; executions and transcripts.
- 203. Adjournments.
- 204. Supplementary proceedings.
- 205. Court fees.
- 206. Costs.
- 207. Punishment for contempt.
- 208. Appeals.
- 209. Judge to charge jury.

Section 190. City court.—A court of civil and criminal jurisdiction, to be called and known as the city court of the city of Fulton, is hereby created and established, in and for said city, with the jurisdiction and powers hereinafter provided. The city judge shall be the judge of the court. The court shall be open for the transaction of business each day in the year, from nine to eleven o'clock ante meridian, and as much longer as necessary, except Sundays and legal holidays, and upon those days for such purposes as are provided by law.

§ 191. Election of city judge.—A city judge shall be elected at the first city election to be held on the fifteenth day of April,

nineteen hundred and two, who shall hold office until the first day of January, nineteen hundred and six. At the general city election to be held in the year nineteen hundred and five, and each four years thereafter, a city judge shall be elected, who shall hold office for four years from the first day of January following his election.

§ 192. **Rooms and supplies.**—The common council of said city shall provide suitable rooms, light, fuel, furniture, necessary blank books, blanks and stationery, and other necessary articles, for the use of said court; and shall provide for the payment of all necessary expenses of said court, including the compensation of a stenographer, which shall not exceed three dollars per day for reporting trials, nor two cents a folio for transcribing minutes.

§ 193. **Jurisdiction in civil actions and proceedings.**—Except as provided in the next section, the city court shall have jurisdiction of the following civil actions and proceedings, to wit:

1. An action to recover damages upon, or for breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury, or an injury to property, where the sum claimed does not exceed five hundred dollars.

3. An action to recover a fine or penalty, not exceeding five hundred dollars.

4. An action upon a judgment, not exceeding five hundred dollars, rendered in said court, or in any court of the state of local jurisdiction, being a court not of record.

5. An action to recover one or more chattels, with or without damages for the taking, withholding or detention thereof, where the value of the chattels as stated in the affidavit of the plaintiff does not exceed five hundred dollars.

6. An action upon a bond, conditioned for the payment of money, where the sum claimed to be due does not exceed five hundred dollars, the judgment to be rendered for the sum actually due; where the sum secured by the bond is to be paid by installments, an action may be brought for each installment as it becomes due.

7. An action upon a surety bond, taken in said court, or by a justice of the peace.

8. To render judgment upon the confession of the defendant or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

9. In summary proceedings, under title two, chapter seventeen, of the code of civil procedure, to recover possession of land, and to remove tenants and others therefrom.

10. In actions or proceedings under any statute for the enforcement of liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars, the same proceedings to be had as are provided by law to be had in justice's court.

11. In proceedings in the cases of bastardy brought by the commissioner of charities, of the city of Fulton, or by the superintendent of the poor of Oswego county.

12. In an action against an executor or administrator, as such, where the amount of the claim is less than one hundred dollars, and the claim has been duly presented to the executor or administrator, and rejected by him.

13. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed five hundred dollars.

14. In an action commenced by attachment, pursuant to the provisions of article four, of title two, chapter nineteen, of the code of civil procedure, if the debt or damages claimed do not exceed five hundred dollars.

15. In any other action or proceeding, of which justices of the peace of towns now have jurisdiction.

§ 194. No jurisdiction in certain civil matters.—The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as prescribed in title three, of chapter nineteen, of the code of civil procedure. When such question arises, the pleadings and practice shall be the same as are now provided by law, for justices' courts in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in the matter of an account, the sum total of the

accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

§ 195. **Jurisdiction in criminal cases.**—The city judge in all criminal actions and proceedings, and special proceedings of a criminal nature, for or on account of offenses committed, or charged to have been committed within the city, shall exclusively, have all the jurisdiction and authority, which a justice of the peace of a town would have, if such offenses were committed or charged to have been committed in the town, including bastardy proceedings, in which latter proceeding it shall not be necessary for the city judge to associate with himself another magistrate. The city court shall exclusively, possess and exercise all the powers conferred upon courts of special sessions, and shall be subject, in the exercise of such powers, to all the provisions of law relating to courts of special sessions, as to all misdemeanors committed, or charged to have been committed, in said city, except as herein otherwise provided; and upon a conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court. The city judge and the city court shall also have exclusive jurisdiction to try and determine all questions of violation of any and all city ordinances, rules and regulations, and upon conviction, to impose the punishment provided by law. All persons charged with being intoxicated, under any statute, in any street, park, alley, or public place in said city, shall be tried summarily without a jury.

§ 196. **Vacancies.**—Whenever a vacancy shall occur in the office of city judge, the same shall be filled at the next city election, and the person so elected, shall hold office for four years from the first day of January following such election; until the first day of January following such election, the said vacancy shall be filled by the appointment of some qualified and competent attorney at law by the mayor. During the temporary absence from the city of the city judge, or whenever said judge, by reason of sickness, or any inability or disability whatever, shall be unable to perform the duties of his office, the mayor shall appoint, by a writing filed with the city clerk, a competent and qualified attorney at law to perform the duties of the same, including cases then pending before said city judge,

until said city judge resumes his duties; and the said attorney, so appointed and acting, shall receive the same pro rata compensation as said city judge, and shall be under the same duties and have and exercise all the power and authority of the city judge. His claim for services shall be itemized and verified and presented monthly to the common council, who shall audit, allow and pay the same, and shall deduct the amounts so paid from the salary of the city judge, except as hereinafter provided.

§ 197. Powers and duties of judge; court seal; evidence.—The city judge shall have power to take oaths and acknowledgments with the same force and effect as a justice of the peace. He may command the services of the chief of police, or any patrolman of said city, to enforce the authority of the court and maintain order. He shall have power to appoint and remove at will, a stenographer, who shall take the usual oath of office, and file it with the city clerk. The said stenographer whenever required by said judge, shall take stenographic minutes of any trial or proceeding had in the city court, or before said judge, and transcribe the same. Said judge may make and certify in the form provided by law, for clerks of courts of record of this state, copies of entries in his docket, or in his minutes, and of all papers filed in said court. The said judge shall keep an accurate account of all fees and fines received, from whom received, the time of receiving the same; and on the first business day of each month, shall deposit with the chamberlain the amount thereof received in the last preceding month, with a detailed statement of the items thereof, verified by his affidavit to the effect that the same is correct and embraces all moneys paid into said court, or received by said judge, for fees and fines during the period covered by said statement. He shall also keep an account of all criminal business done by him, which by law is now made a charge upon the county of Oswego, and at the annual meeting of the board of supervisors, the same shall be audited and ordered paid to the chamberlain of the city. He shall keep an account of all his proceedings, and in his docket a complete and accurate record of all process issued from and returned to said court, and of all proceedings in each civil and criminal action, and all proceedings brought therein or before him, and shall enter therein the judgment and decision of said court or judge. Such docket shall have

the same force and effect as evidence in courts of the state as dockets of justices of the peace of towns. Said court shall have an official seal, to be furnished by the city, on which shall be engraved the words "City court of Fulton," "Seal." Said judge shall have the custody of said seal, and any certificate made by him, under his hand and the seal of said court, of any fact or matter, to which, by this act, he shall be entitled to certify, shall be evidence of the facts therein stated, and shall be received in evidence in all courts and places, and be of the same force and effect as if the court were a court of record. In actions and proceedings for the recovery of fines and penalties, the certificate of the city clerk, under the corporate seal of said city, setting forth any ordinance, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption, shall be presumptive evidence of the existence and adoption thereof.

§ 198. **Marshals and their duties.**—The patrolmen of said city shall be and act as marshals of the city court. The chief of police of said city shall designate from time to time one of said patrolmen to be and act as attendant upon the court during its sessions. The city judge shall have power to make such rules and regulations, to be entered in the court docket, concerning the attendance and duties of marshals, as attendants upon the court, as he deems necessary and proper; and a violation of such rules and regulations by the marshals is hereby constituted a cause for suspension or removal from the office of patrolman, by the board of fire and police commissioners.

§ 199. **Jurisdiction of persons and service of process.**—The said court shall have the same jurisdiction over persons of defendants as is now possessed by justices' courts of towns. All civil process or papers issued by the judge of said court may be executed and served anywhere within the county of Oswego, and all process and papers issued must be directed to and served by the chief of police or any marshal of said city.

§ 200. **Practice, et cetera.**—The process, service of the same, appearances, practice, pleadings and the proceedings in said court, and in appeals therefrom, judgments by confession, offers to compromise, fees, costs and disbursements, shall, except as herein otherwise provided, be governed by the provisions of the

code of civil procedure, in regard to courts of justices of the peace, including the provisions of chapter four hundred fourteen, of the laws of eighteen hundred and eighty-one, and the acts amendatory thereof, in relation to the service and making of verified pleadings in justices' courts. The judge of said court may, from time to time, make, alter and amend, rules of practice, not inconsistent with the provisions of law. Such rules, alterations or amendments, shall not take effect, until a copy thereof, signed by said judge, and indorsed with the approval of a justice of the supreme court of the fifth judicial district, shall have been filed in the office of the clerk of Oswego county, nor until such copy, with said indorsement shall have been published, once in a newspaper of said city, in which city notices are published. The appearance of an attorney and counselor at law of the supreme court of this state, on behalf of any party, to an action or proceeding pending in said city court, may be made by filing with the judge of said court, a notice of appearance, and shall have the same force and effect as if such appearance had been made in a proceeding pending in the supreme court. Any action or proceeding pending in said court may be discontinued by filing with the judge of said court a stipulation to that effect, signed by the parties or their attorneys, and by paying said judge all the fees of said court, including marshals' fees. In such a case judgment of nonsuit need not be rendered. The court shall have power to open defaults, and in an action tried by a jury, to direct a verdict, and the judge shall have power to grant a new trial of the action or proceedings for any of the reasons specified in section nine hundred ninety-nine of the code of civil procedure, upon such terms as may be just. Said court or judge shall have the same power as the supreme court, or the justices thereof, to entertain motions, make orders, and grant relief to a party in any action or proceeding of which it has or has had jurisdiction, except where an appeal has been taken. If notice of a motion or any other proceeding before the court or judge thereof is necessary, it shall be served upon the party or his attorney, at least five days before the time appointed for the hearing, unless the court or judge thereof, upon an affidavit showing grounds therefor, makes an order to show cause why the order

should not be granted, and in the order directs that service thereof, upon an affidavit showing grounds therefor, upon shorter notice, shall be sufficient. A motion for a new trial upon the minutes must be made within seven days after judgment is entered. Judgment upon the trial of an action on the merits must be rendered within ten days after the same has been finally submitted. Every action or proceeding brought in said court or before said judge shall be called at the time specified in the mandate or process by which it is commenced, or as soon thereafter as business will permit, and section twenty-eight hundred ninety-three of the code of civil procedure shall not apply to such action or proceeding.

§ 201. Practice, et cetera.—A marshal to whom a warrant of attachment is delivered, must execute it at least six days before the return day of the summons, by levying upon and taking into his custody, so much of the personal property of the defendant, not exempt from levy and sale, by virtue of an execution, which he finds within his county, as will satisfy the plaintiff's demand, with the costs and expenses. He must take into his custody all books of accounts, vouchers and other papers, relating to the property attached. The attachment may be levied on the rights or shares which the defendant has in the stock of an association or corporation, together with the interest and profits therein, and the marshal's certificate of sale thereof entitles the purchaser to the same rights and privileges with respect thereto, which the defendant had when they were so attached. The attachment may also be levied upon a cause of action arising upon contract, including a bond, promissory note or other instrument for the payment of money only, negotiable or otherwise, whether part due or yet to become due, executed by a foreign or domestic government, state, county, public officer, association, municipal or other corporation, or by a private person, either within or without the state, which belongs to the defendant and is found within the county. The levy of the attachment thereupon is deemed a levy upon and seizure and attachment of the debt represented thereby. The marshal must safely keep the property attached to be disposed of as prescribed in chapter nineteen, title two, article four of the code of civil procedure, and must immediately make an inventory thereof, stating therein the estimated value of the prop-

erty attached. A subpoena issued out of the court to compel the attendance of a witness must be served as follows:

1. The original subpoena must be exhibited to the witness.
2. A copy of the subpoena must be delivered to him, at the same time paying and tendering to him his lawful fee for one day's attendance as a witness.

The defendant in an action brought in said court may require security for costs to be given when the plaintiff was, when the action was commenced, either a person residing without the state, or a foreign corporation. If there are two or more plaintiffs, the defendant cannot require security for costs to be given, unless he is entitled to require it of all the plaintiffs. In an action brought by or against an executor or administrator in his representative capacity, or the trustee of an express trust, or the official assignee of a person imprisoned under execution for a crime, or the official assignee or official trustee of a debtor, in bankruptcy or otherwise, or an infant whose guardian ad litem has not given such security, or the committee of a person judicially declared to be incompetent to manage his affairs, the court may in its discretion require the plaintiff to give security for costs. Where security for costs is required to be given, the court shall make an order requiring the plaintiff, within the time specified, either to pay into court a sum, in its discretion not exceeding one hundred dollars, to be applied to the payment of the costs, if any, awarded against him, or at its election to file with the court an undertaking; and staying all other proceedings on the part of the plaintiff, except to review or vacate the order, until the payment or filing, and also if an undertaking is given, the allowance of the same. The proceedings to compel the giving of security for costs, form of the undertaking, the sureties, exceptions to sureties, justification of sureties, allowance of the undertaking, effect of the plaintiff's failure to comply with an order, except as herein otherwise provided, shall be governed by the provision of title three, chapter twenty-one, of the code of civil procedure. Except in a case where an appeal has been taken, the court shall have power, in proper cases and in furtherance of justice, to vacate, modify and correct judgments rendered in said court. Section eight hundred seventeen of the code of civil procedure relating

to consolidating causes of action shall apply to said court. Costs must be taxed by the judge upon application of the party entitled thereto, and sections thirty-two hundred sixty-five, thirty-two hundred sixty-six and thirty-two hundred sixty-seven of the code of civil procedure shall apply to said court. At the time when an issue of fact is joined, either party may demand a trial by jury, and unless so demanded at the joining of issue, a jury trial is waived; provided, in case a judgment of said court be reversed on appeal and the action sent back to said court, for a new trial, either party may upon the day designated by the appellate court for such trial, demand a jury trial. A jury shall consist of the same number of jurors as provided in title five, of chapter nineteen of the code of civil procedure; provided that the defendant may demand a trial by a jury of twelve men. In case a jury of twelve is demanded, said judge shall draw twenty names, and the same shall be summoned, and a jury of twelve empaneled to try the cause, in the same manner as in other cases required by law applicable to said court. The parties may, however, elect to try the cause by a less number than twelve at any time before a witness is sworn. A party demanding a trial by jury shall thereupon pay to the court, if a jury of six is demanded, a fee of five dollars and fifty cents; and if a jury of twelve is demanded, a fee of eight dollars and fifty cents; and the same amount for each second or subsequent jury drawn; and in addition, twenty-five cents for each person directed to attend as talesman. Out of such moneys the court shall pay to each person summoned as a juror, appearing at the time for which he was notified to attend, and who is not excused at his own request, a fee of twenty-five cents; the court shall retain for each person actually notified to attend pursuant to the venire, a fee of ten cents, and one dollar for the marshal attending the trial and taking charge of the jury during its deliberation. The balance remaining, if any, shall be repaid to the party paying the same. The fees of jurors and marshals herein provided to be paid, shall be in lieu of those fixed by the code of civil procedure. Except as herein otherwise provided, the provisions of title five, of chapter nineteen of the code of civil procedure shall apply to actions in said court. Upon the return day of a summons, if the defendant fails to answer, and if the complaint demands judgment

for an injury to person or property, the plaintiff may demand a jury to assess the damages, and thereupon the same sums shall be paid and the same proceedings had, as upon a demand for and a trial by jury after the joinder of issue; and judgment must be entered for the amount of damages ascertained by the jury.

§ 202. **Judgments, executions and transcripts.**—All the powers now given by the code of civil procedure, or by statute, to justices of the peace of towns, to issue executions or give transcripts, are hereby given to the judge of said court. A judgment of said court shall be in all respects the same as a judgment rendered by a justice of the peace of towns, and all provisions of the code of civil procedure, in relation to filing transcripts of such judgments and docketing the same in the office of the clerk of Oswego county, or any other county, and the effect of said judgment when so docketed, shall in all respects be the same as if said judgment was recovered before a justice of the peace of a town. Such judgment shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court.

§ 203. **Adjournments.**—The court may, in its discretion, grant one or more adjournments of a trial of an action or the hearing of a motion or other proceeding, for such time and upon such terms as it may deem just, unless the defendant has been arrested, in which case no adjournment shall be made without the defendant's consent. Subject to the approval of the judge of the court, any action or special proceeding may be adjourned after issue is joined, by stipulation signed by the parties or their attorneys and filed with the court.

§ 204. **Supplementary proceedings.**—Proceedings supplementary to an execution against property, as regulated by the code of civil procedure, may be instituted before the judge of this court in any case where the judgment sought to be enforced was rendered therein. For this purpose the judge shall have all the powers conferred by law upon county judges, and appeals may be taken from an order granted therein, in the same manner and to the same court as if the order appealed from had been granted by a county judge.

§ 205. **Court fees.**—There shall be paid to said judge the following sums only, as court fees in a civil action: upon issuing

a summons, one dollar; upon the return day, if judgment is to be taken by default, or if issue is joined (1), if such judgment is rendered, or the amount demanded in the complaint is for a sum less than twenty-five dollars, fifty cents; (2), if such judgement is rendered of the amount demanded in the complaint is for the sum of twenty-five dollars or over, one dollar; for the trial of an action by the court, if issue is joined, one dollar and fifty cents; for the trial of an action by a jury, two dollars and fifty cents; for each transcript or execution, twenty-five cents; for making a return upon an appeal from a judgment or order, two dollars; and in addition thereto there shall be paid, before the return is filed with the appellate court, six cents for each folio of one hundred words contained in said return in excess of fifty folios. In summary or special proceedings, including bastardy proceedings, the fees shall be the same as are now allowed by law to justices and justices courts. Said judge shall require prepayment of all such fees. All fees paid into said court or included in any judgment rendered therein except jury and witness fees, shall belong to the city of Fulton, and no such judgment shall be satisfied, until said fees are paid into said court, but fees prepaid by either party recovered by any judgment in his favor, and paid into court, shall be refunded to him.

§ 206. Costs.—In all civil actions and proceedings in this court, the successful party shall tax and recover all fees, including jury, marshal and witness fees paid by him or which he will necessarily incur, together with all reasonable and proper disbursements, not exceeding the sums allowed by the code of civil procedure, actually and necessarily made by him in the prosecution or defense of the action or proceeding. In addition thereto there shall be allowed to a party, in case he has appeared by a registered attorney, and not otherwise, the following sums as costs:

1. For all proceedings before trial, including judgment for the plaintiff upon default, in case the amount of recovery be fifty dollars or less, to the plaintiff, three dollars; if the recovery be more than fifty dollars and less than two hundred dollars, four dollars; and if the recovery be over two hundred dollars, five dollars.

2. On a judgment for plaintiff, otherwise than upon a default, an additional sum equal to ten per centum of the recovery, not to exceed in all twenty-five dollars.

3. If plaintiff recovers judgment in said court for the recovery of one or more chattels, the foregoing sums allowed as additional costs, shall be estimated upon the value of said chattels, as assessed by said court or jury.

4. If judgment of nonsuit is rendered for defendant without trial, to the defendant, three dollars.

5. If judgment is rendered for defendant after trial, to the defendant, four dollars; and the court, in its discretion, may allow an additional sum not exceeding in all twenty-five dollars.

6. A defendant who recovers in said court a judgment upon a counter claim, or obtains a judgment for possession or recovery of chattels sued for, is entitled, in addition to costs heretofore allowed said defendant, to recover a sum equal to ten per centum upon said recovery, or upon the value of said chattels, not to exceed in all twenty-five dollars.

7. No costs or fees shall be allowed or recovered in an action brought upon a judgment of this court, unless such action be brought more than five years after the recovery of the judgment sued on.

8. Costs upon a motion in an action or proceeding, not exceeding five dollars, may be awarded either absolutely or to abide the event of the action or proceeding, to any party, in the discretion of the court or judge. Such costs, or costs awarded under section two hundred eight of this title, may be included in the final judgment, or if not so included, may be enforced in accordance with the provisions of section seven hundred seventy-nine of the code of civil procedure.

9. Where the testimony of a witness is taken by virtue of a commission or of an order to take depositions, and the testimony is used on the trial, the successful party who files interrogatories, or cross-interrogatories, or who was present when the depositions were taken, is entitled to three dollars costs; and in addition shall tax and recover all sums paid to the commissioner taking the depositions, not exceeding three dollars for each day actually and necessarily engaged, to be proved to the satisfaction of the court.

10. Provided, however, the allowance of any and all costs herein shall be in the discretion of the court, unless written pleadings are filed on or before the return day.

§ 207. **Punishment for contempt.**—The judge holding such court, while in session, shall have the same powers to preserve order and to punish for contempts committed in his presence, as are possessed by judges of courts of record; providing, however, that an appeal may be taken from an order, adjudging a person in contempt, to the county court in the same manner as an appeal from a judgment. Pending the determination of such an appeal, the person adjudged in contempt, if he shall be imprisoned, may be admitted to bail by the judge of said court, or of the county court in such an amount, and by an undertaking, in such form and with such sureties, as shall be approved by such judge.

§ 208. **Appeals.**—Appeals may be taken from any judgment rendered in said court to the county court of Oswego county, as prescribed in articles one and two of chapter nineteen of title eight, of the code of civil procedure, and not otherwise; provided, where the judgment was rendered upon a trial by the court without a jury, the appeal may be taken upon questions of law or upon the facts, or upon both; and where the judgment was rendered upon the verdict of a jury, the appeal may be taken upon questions of law only. Appeals may also be taken to the same court from an order granting or denying a motion for a new trial. Such appeal must be taken within five days of the making of the order appealed from. It shall be taken in the same manner as an appeal from a judgment, and all subsequent proceedings therein shall be conducted, as near as may be, in like manner as in such an appeal. The appellate court may grant costs not exceeding ten dollars to the successful party on such an appeal. The order of the appellate court shall be remitted to the city court to be enforced. For the purpose of an appeal to the supreme court, the order of the county court of Oswego county, made on an appeal from an order, shall be deemed an order of said county court, except that the order or judgment made in the supreme court shall be certified and remitted to the city court to be enforced. Upon an appeal from a judgment, the appellate court upon its reversal may, in its discretion, order a new trial in the city court at a

time designated, and in such a case the costs of the appeal shall be in the discretion of the appellate court, and any and all costs in the appellate and city courts, may be by it directed to be included in any subsequent judgment in the same action in said city court. Upon a new trial in city court, the successful party shall be entitled to recover the same costs as are provided for in subdivisions two, three, four, five or six of section two hundred six, of this title, as the case may be. Any decision or opinion in writing, filed by the court or judge thereof, shall upon an appeal be returned as a part of the record of the proceedings. Costs required to be paid to perfect an appeal, under section thirty hundred forty-seven of the code of civil procedure, shall not include the costs awarded a party, under section two hundred six, of this title, but upon judgment affirming the judgment appealed from, such costs may be included therein, except that the per centum allowed under subdivisions two, three and six of said section two hundred six, of this title, shall be computed upon the amount of the damages awarded or the value of the chattels recovered in the judgment of the appellate court.

§ 209. Judge to charge jury.—It shall be the duty of the city judge to charge the jury on questions of law, whenever required by any party to an action or his attorney.

TITLE XII.

DEPARTMENT OF LAW.

Section 220. The city attorney; appointment, qualifications, and salary of.

221. Duties of city attorney.

222. Payment of moneys.

223. Compromise of actions.

224. Employment of counsel.

225. Judgments; report upon to common council.

Section 220. The city attorney; appointment, qualifications, and salary of.—The first mayor elected under this act shall, on or before the first day of May, nineteen hundred and two, appoint a competent person, licensed to practice in all the courts of the state, to be city attorney, who shall hold office until January first, nineteen hundred and four. Thereafter, and on, or

ten days prior to, the first day of January of each even numbered year, the incoming mayor shall appoint his successor, who shall hold office for two years. The city attorney shall receive the salary and compensation provided for in section twelve of this act.

§ 221. **Duties of city attorney.**—He shall be and act as the legal advisor of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings, brought by or against any city officer, board or department; and such officers, boards, or departments, shall not employ other counsel. No written contract providing for the payment of two hundred dollars or more, shall be entered into by the city or any of its officers, boards or departments, until there shall be endorsed thereon by the city attorney a certificate to the effect that in his opinion the city officer, board or department, which is to execute the same on behalf of the city, has authority and power to make such contract, and that said contract is in proper form; and he shall attend to all the law business of the city, and discharge such other duties as may be prescribed by the common council.

§ 222. **Payment of moneys.**—He shall pay over at once to the chamberlain all moneys collected by him for or on behalf of the city, including fines and penalties; and he shall annually, on or before the first day of January, file with the city clerk an inventory of all the books and property belonging to the city in his custody.

§ 223. **Compromise of suits.**—He shall, whenever he considers that the best interests of the city will be subserved thereby, enter into an agreement in writing, subject to the approval of the common council, to compromise and settle any claim against the city, which agreement shall be reported to the common council at its next meeting, and be and constitute a valid obligation against the city; and the amount therein provided to be paid shall, with interest thereon at six per centum from its date, be included in the next city tax budget; and when raised by tax be paid the claimant.

§ 224. **Employment of counsel.**—The city attorney, with the written consent of the mayor, or when authorized by the common council, may employ counsel to assist him in the argument

and conduct of important cases or proceedings in which the city is interested or a party.

§ 225. Judgments; report upon to common council.—The amount of any judgment recovered against the city, and payable by it, remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on appeal, shall be reported by the corporation counsel immediately after the same shall have become payable, to the common council; and unless the common council issue bonds to raise money for the payment of the same, such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution upon such judgment shall be stayed. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury and payment of judgment refused, no execution shall issue against the city, unless the amount of such judgment shall not have been included in the tax levy.

TITLE XIII.

ACTIONS BY AND AGAINST THE CITY.

Section 230. Limitations of actions against the city.

231. No disqualification as judge or juror because of residence in city.

232. Civil actions to recover penalties.

Section 230. Limitation of actions against the city.—No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty days after the claim, debt or demand shall have been presented to the common council for audit. All actions brought against the city upon any contract liability, express or implied, must be commenced within one year from the time that the cause of action accrued, or if for injuries to the person or property, caused by negligence, within one year from the time of receiving the injuries, and in other cases within six months after the refusal of the common council to allow the claim; and no action or proceeding shall be maintained against the city for personal injuries, unless notice in writing of the intention to claim damages, and of the time and place at which,

and the manner in which, such injuries were received, and the nature and extent of such injuries, shall have been filed with the common council within one month after such injury shall have been received; and an omission to present such notice, within the time as above provided, shall be a bar to an action thereon against the city.

§ 231. **No disqualification as judge or juror because of residence in city.**—No person shall be disqualified from acting as judge or juror by reason of being an inhabitant or freeholder within the city of Fulton, in any action or proceeding in which the city is a party or interested.

§ 232. **Civil actions to recover penalties.**—Civil actions to recover any penalties or forfeitures incurred under this act may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of said city, and, in any action brought in the city court, it shall be lawful to complain generally for the amount of such penalty or forfeiture, stating the section of this act or of the ordinance under which the penalty is claimed; and the defendant may answer by simply denying the truth of the complaint. If such action be brought in the city court against an alleged owner of real property, the fact that title to real property comes in question on the pleadings or appears on the trial shall not deprive the court of jurisdiction, but may be litigated and determined by the judge as the right of the case may appear; but such judgment shall not be evidence concerning the title of real property in any other action or proceeding. The first process in any such action brought in the city court shall be by summons, which may be made returnable forthwith, and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the city chamberlain to the credit of the general city fund; when any judgment shall be rendered in the city court in favor of or against the city of Fulton, in any action for the recovery of any penalty or forfeiture, or in any other action in which the city of Fulton shall be a party, the city judge shall, within ten days thereafter, file with the city clerk a transcript of such judgment, for which he shall be entitled to charge the sum of twenty-five cents, and include the same in the costs of said judgment; and in case the said judge shall omit to file such

transcript, or to do any of the acts above described, he shall forfeit the sum of twenty-five dollars for each and every of such omissions, to be recovered in an action by the city against said city judge. Whenever a judgment in favor of the city shall be recovered for twenty-five dollars or upward, exclusive of costs, a transcript thereof may be filed in the office of the clerk of Oswego county, and thereupon the same shall become a lien upon the property of the defendant in such judgment, to the same extent, and may be collected and enforced in the same manner, as other judgments recovered before justices of the peace whereon transcripts are filed in pursuance of the laws of the state of New York.

TITLE XIV.

ASSESSMENT AND TAXATION.

Section 240. Division of city into two tax districts; appointment of assessors.

241. Assessment rolls.

242. Review of assesment.

243. Equalization and levy for state and county taxes.

244. Apportionment of taxes to each tax district.

245. Levy of taxes by common council.

246. Issue of tax rolls and warrants to chamberlain.

247. Notice of receiving taxes.

248. Tax receipts.

249. Notice of unpaid taxes and demand of payment.

250. Collection of taxes by sale of personal property.

251. Collection of taxes by civil action.

252. Proceedings in case of failure to collect tax on warrant.

253. Sale of land for unpaid taxes.

254. Notice of the sale of land for taxes.

255. Manner of conducting sale of land for taxes.

256. Disposing of proceeds of sale.

257. Redemption of lands.

258. Notice of redemption.

259. Conveyance of real estate sold for taxes.

260. Settlement by chamberlain for taxes collected.

261. Power of common council as to void and erroneous assessments.

262. Collection of local assessments.

Section 240. Division of city into two tax districts; appointment of assessors.—The said city shall be divided into tax districts, as follows:

1. All that portion of said city east of the Oswego river to be known as the east tax district.

2. All that portion of said city west of the Oswego river to be known as the west tax district.

The mayor first elected under the provisions of this act shall, on or before the first day of May, nineteen hundred and two, appoint three assessors, who shall hold office until the first day of January, nineteen hundred and four. Thereafter, the incoming mayor on or ten days prior to the first day of January succeeding his election, shall appoint their successors, who shall hold office for the term of two years from said first day of January.

§ 241. Assessment rolls.—The assessors between the first day of February and the first day of July, in each year, shall complete their assessment rolls for each tax district separately, and shall file the same with the city clerk, and shall give notice for thirty days by posting such notice in five public places in the city, and by publication thereof in all the newspapers of the city, that such rolls are completed and filed and that all persons interested may examine the same at the city clerk's office, and also that on the first Tuesday of September next ensuing, the said assessors will sit to review the same.

§ 242. Review of assessment.—The three assessors shall constitute a board of review. They shall meet at the time and place specified in the notice mentioned in section two hundred and forty-one of this act, and review the assessment. Their sessions shall not aggregate more than ten days nor be continued beyond the first day of October. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment rolls any property liable to assessment and the valuation thereof which may have been omitted from such rolls, upon giving personal notice to the owner of such property or to his agent at least two days prior to adding the same. Except as modified by this act, the board of review shall have all the powers given, by the tax law of the state of New York, to assessors sitting to hear complaints in relation to assessments, and the proceedings in relation thereto shall be the same

as provided by the tax law of the state. Any person assessed upon the assessment rolls, claiming to be aggrieved by any assessment for property therein, may review the same in manner provided by article eleven of the tax law. On or before the first day of October, the corrected assessment rolls together with their minutes shall be filed in the office of the city clerk.

§ 243. Equalization and levy for state and county taxes.—The city clerk shall immediately thereupon proceed to prepare the rolls for the ensuing year. He shall, upon the written direction of the assessors, correct all clerical errors appearing therein, make a true copy of the assessment rolls as corrected, certify them under the seal of the city, and deliver them to the chairman or clerk of the board of supervisors of the county of Oswego, at its next annual meeting. The board of supervisors of Oswego county shall in each year equalize the assessments within the city of Fulton with the assessments of the towns in said county, in the same manner as the assessments are required to be equalized between such towns. The board of supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the fifteenth day of December in each year, certify such resolution under the hands of the chairman and the clerk of the board of supervisors, to the common council of the city, which shall file such resolution with the city clerk, and the city clerk shall thereupon extend and apportion such tax on the assessment rolls together with the city taxes, levied as hereinafter provided, and no other extension and apportionment of such state and county taxes need be made.

§ 244. Apportionment of taxes to each tax district.—Before causing the annual tax to be levied, the common council shall ascertain the proportion to be borne by each tax district of such annual tax, chargeable to the whole city, and shall add to the portion to be borne by the east tax district:

1. Such sum, if any, as may be necessary to pay liabilities incurred by the village of Fulton.

2. The principal and interest on the Fulton sewer bonds due the next fiscal year.

3. The share of the principal and interest of the town of Volney's railroad and bridge bonds due during the next fiscal year for which the property in said district is liable.

4. The share of the principal and interest of the city sewer bonds due the next fiscal year, to be borne by said tax district as provided by section ninety-two of this act.

5. Any other sum to be raised for the next fiscal year for which said east tax district is solely liable.

It shall add to the portion of such annual tax to be borne by the west tax district:

1. Such sum, if any, as may be necessary to pay liabilities incurred by the village of Oswego Falls.

2. The share of the principal and interest of the town of Granby's bridge or other bonds due the next fiscal year, for which property in the west tax district is liable.

3. The principal and interest due the next fiscal year upon the school bonds issued by union free school district number two of the town of Granby.

4. The share of principal and interest of the city sewer bonds due the next fiscal year to be borne by the west tax district as provided by section ninety-two of this act.

5. Any other sum to be raised for the next fiscal year for which the west tax district is solely liable.

§ 245. **Levy of taxes by common council.**—The common council must annually cause to be levied and raised by general tax upon all taxable property, real and personal, in the city, according to the valuation upon the assessment rolls for the current year, and in accordance with the last preceding section, the amounts certified to, and ascertained and determined by, said common council pursuant to the provisions of section forty-six of this act.

§ 246. **Issue of tax rolls and warrants to chamberlain.**—The city clerk, under the direction of the common council, shall extend and apportion the city tax on the assessment rolls delivered to him in each year, and shall forthwith file the same in his office, and shall make two copies of the same with the tax so extended and apportioned, and shall certify such copies to be correct duplicate city rolls of state, county and city taxes; such rolls shall then, and on or before the first day of January, be delivered to the chamberlain of the city with

warrants annexed, signed by a majority of the common council under the seal of the city, commanding him to receive, levy and collect the several sums in the rolls specified as assessed against the person or property therein mentioned or described, with such percentage or penalty and interest as is in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return said warrants and rolls to the city clerk within ninety days after the date of the warrants. From the time of the receipt of the tax rolls and warrants by the chamberlain, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the amount thereof with percentage, penalty and interest until the same shall be fully paid.

§ 247. Notice of receiving taxes.—Immediately on the delivery of the city rolls and warrants to the chamberlain, he shall publish a notice in all the newspapers of the city, that he will attend at his office with said rolls and warrants, for thirty days next after the first publication of said notice, Sunday and legal holidays excepted, from nine o'clock in the morning to four o'clock in the afternoon, to receive city, county and state taxes. All taxes or assessments paid within thirty days after the first publication of the chamberlain's notice shall be payable without fee, percentage or interest thereon. At least one-third of the tax assessed to each person or corporation shall be paid within said thirty days. Any person or corporation so assessed may pay the remaining two-thirds of the tax so assessed, in two equal installments, one on or before the first day of April succeeding the date of the chamberlain's notice, and the remainder on or before the first day of June thereafter; provided, however, that the chamberlain shall collect one per centum additional on the second installment, and two per centum additional on the third installment. If any installment remain unpaid after the expiration of thirty days from the dates above provided for the payment thereof, the whole amount of said tax remaining unpaid shall become due and the chamberlain shall collect five per centum additional thereon, and in addition to said five per centum, said tax or portion of said tax shall bear interest, and the chamberlain shall collect thereon, at the rate of one per centum per month from the expiration of thirty

days as above provided, which percentage and interest shall belong to the city.

§ 248. **Tax receipts.**—Immediately upon receiving any tax the chamberlain shall enter in a column prepared for the purpose and opposite the names of the persons or corporation, paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. All receipts issued by the chamberlain for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes for any one year, and he shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and distinct series of numbers or receipts, issued for the taxes of each year for which the same is levied and assessed. The city clerk shall cause all blank tax receipts to be printed and numbered and firmly bound together in book form, and to be in duplicate, each duplicate to bear the same number.

§ 249. **Notice of unpaid taxes and demand of payment.**—If any such tax shall remain unpaid after the expiration of the thirty days as provided in section two hundred forty-seven of this act, the chamberlain shall forthwith serve or cause to be served upon the persons against whom such tax remains charged, a written notice, requiring him to pay the same to the chamberlain within ten days from the service of such notice. Such notice may be served upon any such person personally, or by leaving at his residence in said city, or by depositing in the post-office in said city, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. It shall not be necessary to make any other demand of payment of said tax.

§ 250. **Collection of tax by sale of personal property.**—If any person shall neglect or refuse to pay any tax charged against him, within the ten days above provided, the chamberlain may forthwith issue his warrant under his hand and the seal of the city and addressed to any police officer of the city, commanding such officer to levy upon any personal property in the city or in the county of Oswego, belonging to the person whose tax remains unpaid, or in his possession on the premises assessed; and cause the same to be sold at public auction for the payment of such tax, and the fees and expenses of collection; and no

claim or property to be made thereto by any other person shall be available to prevent such sale. The officer to whom such warrant shall be delivered shall proceed as therein directed. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days previous thereto. The officer conducting such sale shall return the proceeds thereof together with his warrant to the chamberlain within fifteen days after the same shall have been issued to him. He shall be entitled to charge the same fee as constables are entitled to receive for collecting money by virtue of execution. If the proceeds of such sale shall be more than the amount of such tax, the fees of collection and the expenses of sale, the surplus shall be paid to the person against whom the tax is assessed, unless his right thereto is disputed by some other person, in which case such surplus shall remain in the hands of the chamberlain, without liability on his part or on that of the city for costs, until the rights of the parties thereto shall be determined by due course of law.

§ 251. Collection of tax by civil action.—The chamberlain is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of ninety days with the additions and fees unpaid thereon, and to recover judgment therefor with twelve per centum interest thereon and the costs and expenses of such action. The city court shall have exclusive jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such action may be filed, and such judgment docketed in the office of the clerk of Oswego county, and it shall, however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment, upon all real estate of the judgment debtor, situate in said county, and shall have the same priority over any other lien or encumbrance upon, or transfer of, the property charged with the tax, for which such action was brought, as the lien of the tax sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law, and all the

provisions of law in reference to sale and redemption of real estate on execution, or to proceedings supplementary to execution, shall apply to sales, redemptions, or such proceedings as may be had under this act.

§ 252. **Proceeding in case of failure to collect tax on warrant.**—On or before the fifteenth day of September next after any tax shall have been imposed upon any real estate in said city, the chamberlain shall make and deliver to the assessors a transcript of any and all such taxes which remain unpaid, and it shall be the duty of the assessors, on or before the fifteenth day of October thereafter, to make and deliver to the chamberlain a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, it shall be the duty of such assessors to make and include in said statement a correct assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, shall be as valid and effectual for all purposes as though they had originally been corrected.

§ 253. **Sale of land for unpaid taxes.**—Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the fifteenth day of October, the chamberlain shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty and interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 254. **Notice for the sale of land for taxes.**—The chamberlain shall cause to be published a notice of such sale, containing a description of the lands to be sold and specifying the time and place of sale, in all newspapers of the city, once a week for six successive weeks, immediately prior to day of sale, and shall also post such notice of sale in at least three public places in the city at least forty-two days before the day of sale. On the day named the chamberlain shall commence the sale of such lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives, or any person interested therein, may avoid the sale thereof by paying

the tax or taxes to the chamberlain, with all accrued interest, fees, additions and expenses.

§ 255. **Manner of conducting sale of land for taxes.**—Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the chamberlain immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the chamberlain shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the chamberlain shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the chamberlain shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof, and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the chamberlain. The chamberlain shall deliver the other duplicate certificate to the clerk of the county of Oswego, who shall file said certificate in his office and record the same in the deed books kept in said clerk's office, and shall index the certificate to the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and the name of the purchaser, in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the chamberlain and shall be a part of the expenses of the sale of the parcel. If from any cause the chamberlain shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the

sale with the same force and effect as though made by the chamberlain.

§ 256. **Disposition of proceeds of sale.**—The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold, and if there shall be any residue, the chamberlain shall hold the same until the owner of the premises at the time of such sale, shall redeem them from the sale as herein provided, and the chamberlain shall pay such owner the said surplus. In all other cases the chamberlain shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus, when the person or persons entitled thereto shall be ascertained, in the same manner and by the same proceedings as in the case of surplus on statutory foreclosure of a mortgage on real estate. In case any taxes shall be assessed and levied upon real estate which has been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the chamberlain may deduct the amount thereof from any surplus in his hands of the sum bid for the same, if there be any surplus; if there shall be no surplus, or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same, otherwise the purchaser shall pay the same before he shall receive his conveyance of the same.

§ 257. **Redemption of lands.**—The owner of, or any person interested in, or having a lien upon, any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the chamberlain, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of ten per centum per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the rate of ten per centum per annum upon such tax or assessment from the time of payment.

In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the chamberlain shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the county clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

§ 258. Notice of redemption.—At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the chamberlain shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months, in all the newspapers of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said lands shall not be redeemed from such sale hereinbefore provided.

§ 259. Conveyance of real estate sold for taxes.—If any parcel or lot so sold shall not be redeemed as herein provided, the chamberlain, immediately after the expiration of the said two years, shall execute and deliver to the purchaser, his heirs or assigns, or to the city or its assigns, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The chamberlain executing such conveyance shall be entitled to demand and receive from the grantee one dollar for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance. Every such conveyance shall be executed by the chamberlain, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said

county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular, and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. The said grantee or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom, and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 260. **Settlement by chamberlain for taxes collected.**—It shall be the duty of the chamberlain to pay over to the treasurer of Oswego county on or before the first day of July of each year all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one of which shall be immediately filed with the city clerk. All moneys received by him for taxes shall daily be deposited in such banks as are made depositories of the city. Except as otherwise provided by this act, the chamberlain shall settle with the county treasurer for state and county taxes in the manner required by law of town collectors. At the time of the delivering to him of the duplicate city rolls and tax warrants, the chamberlain shall receipt for the same, and shall then be charged with the whole amount which he is thereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid, and setting forth the reason in each case why such tax or assessment is or has not been collected. The common council may thereupon order and authorize said chamberlain to credit himself with the whole or any part of said tax or assessment unpaid, and the chamberlain shall be credited only with such amount as the common council shall so order. Upon settling with the common council the chamberlain must show that he has duly settled with the county treasurer for state and county funds. The city clerk shall, on the delivery

of the blank tax receipts to the chamberlain, charge the chamberlain with the number of receipts delivered, and the chamberlain shall immediately examine the numbering of the receipts and report to the city clerk any irregularity found therein. The chamberlain shall receipt to the city clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements; also for all the detached receipts, including receipts, the duplicates of which do not show the entry of taxes. All irregularities in the issuance of receipts that render them worthless must be shown on the face of the original, which must in no case be detached from the duplicate. At the time of the annual settlement the chamberlain shall deliver to the city clerk all duplicates of receipts issued by him, and other receipts delivered and charged by the city clerk to him.

§ 261. Power of common council as to void and erroneous assessments.—The common council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act or the laws in force when such tax was levied, or in case of error in the description of lands, or in the description of the owner or occupants, the common council may, in its discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property the assessment against which remains unpaid, or upon the owner or occupant thereof; and the common council is hereby authorized and empowered to make such reassessment upon giving ten days personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city chamberlain to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made. But the common council shall not alter any valuation made by the assessors. Any omission to

comply with the provisions of this act in making an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder, or the assessment made or lien created thereby, void, but shall be treated as an irregularity merely, and it shall be the duty of any and all courts, in case it shall appear that such irregularity exists, to direct the same to be corrected or amended, or the omission supplied, if possible. In case any tax or assessment shall be void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the common council shall have power, and it shall be its duty, to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

§ 262. Collection of local assessments.—Whenever an assessment shall be ordered for local improvements, the assessment rolls shall be made to resemble in form as nearly as practicable the tax list, and be provided with a column in which payments can be entered by the chamberlain. All provisions relating to the collection of taxes in this act shall be applicable to the collection of assessments mentioned in this act.

TITLE XV.

OFFICES ABOLISHED AND VACATED.

Section 270. Offices and courts vacated and abolished.

271. Actions and proceedings to be transferred.

272. Town boards to fill vacancies.

Section 270. Offices and courts vacated and abolished.—This section shall take effect on the seventeenth day of April, nineteen hundred and two. The police courts, and the offices of police justices in the villages of Fulton and Oswego Falls, all offices created by the charters of the villages of Fulton and Oswego Falls, the boards of education of union free school district number one of the town of Volney and union free school district number two of the town of Granby, shall be and hereby are abolished, and shall cease to exist after said seventeenth day of April, nineteen hundred and two. The offices of justice of the peace, town clerk, town constable, overseer of the poor,

and all other town offices held by any persons then residing within the corporate limits of said city, shall then be and become vacant, and the powers theretofore exercised by such persons by virtue of such offices shall then cease, except as is hereinafter expressly provided.

§ 271. **Actions and proceedings to be transferred.**—All actions, examinations and proceedings then pending in any of the courts abolished by this act, or before any police justice or justice of the peace whose office is so abolished or vacated, in which the taking of evidence shall not have been actually commenced, shall be then and forthwith transferred into the city court or before the city judge, to be disposed of according to law as if instituted in said city court or before said city judge. All processes, pleadings, bonds, undertakings, records, moneys and papers in the actions, examinations and proceedings hereby transferred, then in the custody of the officers of the courts which are hereby abolished or vacated, shall, at the time of such transfer, be delivered by them to the city judge. All trials, examinations or proceedings actually commenced by the taking of evidence when this title takes effect, in any court hereby abolished, or before any officer whose court or office is hereby abolished or vacated, shall be decided by said courts or officers respectively and judgment therein shall be entered or determination made by such courts or justices thereof as though this act had not been passed. Such judgments or determinations shall be enforced by execution, commitment or other proper process, the same as if this act had not been passed. And said officers and each of them shall make return of such actions, examinations and proceedings before them, respectively, as if his office had not been abolished or vacated.

§ 272. **Town boards to fill vacancies.**—The members of the town boards of the towns of Volney and Granby then residing outside the corporate limits of the city of Fulton shall severally meet in their respective towns as soon after said seventeenth day of April, nineteen hundred and two, as is practicable, and shall at such meeting fill, by appointment, all vacancies created by this act in the town offices in said towns, respectively. The officers so appointed shall hold office until their successors are elected and qualified, pursuant to the provisions of the town law.

TITLE XVI.

GENERAL PROVISIONS.

Section 275. Municipal year.

276. Contracting indebtedness.

277. Witness not to be excused.

278. All moneys to be paid to the chamberlain.

279. Reading charter, ordinances, et cetera, in evidence.

280. City chamberlain to borrow money for current expenses.

281. Limitation of indebtedness.

282. Franchises to be sold.

283. Bonds and other obligations of the city.

284. Improvement assessments in installments; bonding for same.

285. Mayor's appointments, when made.

286. Assistant for chamberlain, when.

287. Appointments to fill temporary vacancies.

288. Expense of official bonds a city charge.

289. Jury for city courts.

290. Excise money to whom paid, how credited.

291. Books and records of officers and boards to be open to inspection.

Section 275. Municipal year.—The municipal year shall begin with the first day of January, and the term of office of all officers shall be computed by the municipal year, so that such terms shall end at the end of a municipal year, although the officer may not have been appointed until after the year shall have begun.

§ 276. **Contracting indebtedness.**—No person, board or officer in the city shall have the right to incur any indebtedness against the city except as authorized by the common council or other municipal board or officer in conformity with the provisions of this act.

§ 277. **Witness not to be excused.**—No witness shall be excused from testifying in any criminal proceeding or in any investigation or inquiry before the mayor, the common council or any municipal board or officer having a right to conduct the investigation, touching his knowledge of any offense committed

against the provisions of this act or any ordinance of the city, but such testimony shall not be used against him in any criminal prosecution whatever.

§ 278. **All moneys to be paid to chamberlain.**—All officers or other persons who shall receive any money for or belonging to the city, by or under the provisions of this act, or otherwise, shall, within ten days after its receipt, pay the same over to the chamberlain of the city, and take his receipt therefor, except as otherwise provided in this act.

§ 279. **Reading of charter, ordinances, records, et cetera, in evidence.**—The charter of the city of Fulton may be read in evidence from the volume of session laws of the state of New York containing said charter, from the volume printed by the authority of the common council or from a certified copy made by the city clerk, or from the volume of ordinances and by-laws provided by authority of the common council; and all records and accounts of the city which the city officers are required by law to keep shall be presumptive evidence of the truth of their contents in any court.

§ 280. **City chamberlain to borrow money for current expenses.**—The city chamberlain or acting city chamberlain may, with the approval of the common council expressed by resolution, have the power to borrow money on the credit of the city for the payment of current city expenses, in anticipation of taxes already levied, but not in excess of the amount thereof.

§ 281. **Limitation of indebtedness.**—The city of Fulton shall not incur indebtedness if thereby its total contract indebtedness, exclusive of the water bonds issued by the village of Fulton, and exclusive of liabilities for which taxes have already been levied, shall exceed ten per centum of the assessed valuation of the real property, subject to taxation, as it appeared on the last preceding assessment rolls of the city.

§ 282. **Franchises to be sold.**—No franchise for the use of the streets, highways, bridges, alleys, parks or public places of the city, shall be granted to any person, company or corporation, for any purpose whatever, except upon payment to the city of a sufficient compensation therefor. Provided it shall be determined to grant any such franchise, the board of public works shall fix the sum which in its judgment is a fair compensation

to the city for any franchise applied for, and the common council shall for two weeks publish a notice of said sale in the official or other papers, giving the price fixed by the board, and shall sell said franchise at the time and place specified in said notice, at public sale to the highest bidder, but for a sum not less than the sum fixed by the board of public works therefor, except by a unanimous vote of the common council. Any sum received for such franchise shall be placed to the credit of the improvement fund.

§ 283. Bonds and other obligations of the city.—Bonds issued by the city under the provisions of this act, other than specified in section two hundred eighty-four of this act, shall be made payable within thirty years. All city bonds shall be signed by the mayor, and city chamberlain, and countersigned by the city clerk under the seal of the city. Said bonds shall be sold to the highest bidder at not less than their par value, and shall, except as provided in the next section, bear interest at a rate not exceeding four per centum per annum.

§ 284. Improvement assessments in installments; bonding for same.—The common council at the time it shall confirm any assessment for local improvements, may provide that the owners of any real estate or any railway company, against which a tax is thereby assessed, may have the privilege of paying the same in such equal annual installments, not exceeding ten, as it may prescribe, upon filing with the city clerk within ten days thereafter, their election and agreement to pay the same in that manner, with interest thereon payable annually. Every assessment as to which such agreement shall be filed, shall be collected by such installments with annual interest thereon, in the same manner as other taxes and assessments, and every installment with accrued interest, shall be a lien upon the real estate, and upon all the property and franchises of any such railway company against which the same was assessed, as in the case of other assessments. For the purpose of anticipating the payment of such installments, the common council may issue bonds of the city for such part thereof, payable at such respective times not exceeding ten years, with interest at not exceeding six per centum per annum, as it may deem advisable. The funds derived from the collection of said installments as they become due, shall be applied to the liquida-

tion of said bonds. The amount of such bonds so issued shall not be deemed to be a part of the taxes authorized to be raised in any one year hereinbefore limited to one and one-half per centum of the assessed valuation of the property assessable in said city, nor a part of the indebtedness of the city as limited by section two hundred eighty-one of this act.

§ 285. **Mayor's appointments, when made.**—The mayor elected at the general city election in nineteen hundred and three, and thereafter, may file his oath of office with the city clerk at any time within fifteen days, prior to the first day of January next succeeding his election, and shall, on, or within ten days prior to, said first day of January, file with the city clerk the appointments to be made by him as provided in section eleven of this act.

§ 286. **Assistant for chamberlain.**—Whenever the city chamberlain is in need of assistance in the performance of his duties, he may, with the approval of the mayor, appoint some competent person to render such assistance, for such period of time, and at such rate of compensation per diem as shall be specified in the order of appointment, which shall be filed with the city clerk. Not more than two hundred dollars shall be paid in any one year for such assistance.

§ 287. **Appointments to fill temporary vacancies.**—The mayor, and each board having appointive power may make a temporary appointment in case any salaried officer of the city appointed by the mayor or a board of the city shall, through sickness or absence from the city, be unable to perform the duties of his office. The person so appointed shall receive the same compensation, pro rata, for the time served as the salary fixed by this act for the office so temporarily vacated. The compensation for such temporary service shall be paid by the chamberlain on the certificate of the mayor, and shall be deducted from the salary of the officer so temporarily absent or disabled; except that the common council may, by resolution, grant to any officer of the city, a vacation not exceeding two weeks in any one year, and may by resolution excuse the absence of any officer caused by sickness, in which case the compensation of the temporary appointee shall be paid by the city.

§ 288. **Expenses of official bonds as city charge.**—All city officers required to furnish bonds by the provisions of this act,

may by consent of the mayor furnish a bond with some solvent surety company as surety, and the expense thereof shall be paid by the city from the general city fund.

§ 289. **Jury for city court.**—On or before the sixteenth day of April, nineteen hundred and two, the town clerks of the towns of Volney and Granby shall certify from the present list of jurors of said towns a list of all jurors thereon residing within the corporate limits of the city, and shall deliver the said lists to the city judge immediately after his election; said lists shall be the jury list for the city court until a subsequent list is prepared and delivered as provided by this act. The city clerk shall deliver to the city judge a certified copy of the list filed with him pursuant to this act and shall also deliver a certified copy of any such list thereafter filed with him, within ten days after the same shall be filed; such lists shall constitute the jury list for the city court.

§ 290. **Excise money to whom paid; how credited.**—The city's share of excise moneys to which it is entitled under the provisions of the liquor tax law shall be paid to the city chamberlain and shall be credited by him to the poor fund, the police fund and the improvement fund, in such proportions as the common council by resolution may direct.

§ 291. **Books and records of officers and board to be opened to inspection.**—The books and records of all city officers and boards shall, on any business day between the hours of nine o'clock in the morning and four o'clock in the afternoon be open to the inspection of the taxpayers of the city.

TITLE XVII.

MISCELLANEOUS PROVISIONS.

Section 300. Title to Volney town hall vested in city.

301. Certain lands to be accepted for park.

302. All village and school fund to be paid over to city chamberlain.

303. Unpaid taxes and assessments.

304. Village boards and officers continued.

305. School boards continued.

306. Boards of trustees to appoint election officers.

Section 307. First election under this act.

308. Village boards to audit all accounts due.

309. Common council to raise money for immediate use.

310. Acts and parts of acts repealed.

311.¹ Act, when to take effect.

Section 300. Title of Volney town hall vested in city.—The title to the town hall property, real and personal, of the town of Volney, situate in the village of Fulton, is hereby vested in the city of Fulton. As soon after the passage of this act as practicable, the town board of the town of Volney and the common council of the city of Fulton, may agree upon a sum that will represent the interest of said town in said hall, based on the amounts paid thereon by said town, and the village of Fulton, according to the assessment rolls of said town and village. If said town board and common council shall fail to agree, either body may apply to the county court of Oswego county for the appointment of three commissioners, who, when appointed, shall take testimony in regard thereto, and award such sum to said town of Volney as may be just. The award when so made and filed with the city clerk shall be final. The sum so determined as aforesaid shall be paid by the city to the supervisor of said town, and may be used by him for any town purpose. The common council shall raise and pay said sum in three annual installments. Any outstanding bonds or other indebtedness, issued or incurred by the town of Volney in the purchase or improvement of said hall, are hereby charged upon the city of Fulton; and such bonds or indebtedness, together with the sum determined as the interest of the town of Volney in said property is hereby made a charge upon the west tax district of the city, as its proportion of the cost of said property.

§ 301. Certain lands to be accepted for park.—Whenever the owners of the property lying on the west side of East First street and east of the Oswego canal from the center line of Rochester street, south to the north line of the premises known as the stone house in said city, shall, by quitclaim deed, convey to said city all of their rights, title and interest in said property,

such conveyances shall be accepted by the common council, and thereafter said property shall be held by the city for park purposes, and no building, billboard or other structure shall ever thereafter be erected thereon.

§ 302. All village and school funds to be paid over to city chamberlain.—All funds of the villages of Fulton and Oswego Falls, and of the boards of education of union free school district number one of the town of Volney and union free school district number two of the town of Granby, shall be paid over to the city chamberlain immediately after such officer is appointed and qualified, and all sums so paid and received by him shall be credited to the fund corresponding with the fund, for which said sums were levied and collected.

§ 303. Unpaid taxes and assessments.—The city of Fulton shall be entitled to all unpaid taxes and assessments for local improvements of the villages of Fulton and Oswego Falls and the same shall be collected and enforced by the same proceedings and process by which the city taxes may be collected and enforced. All sums so collected shall be applied upon the indebtedness of the tax district from which the same are collected.

§ 304. Village boards and officers continued.—The boards of trustees and village officers of the villages of Fulton and Oswego Falls, in office at the time of the passage of this act, are hereby continued until twelve o'clock noon of the seventeenth day of April, nineteen hundred and two; but said boards of trustees nor either of them, nor any officer of either of said villages, shall contract any debt, grant any franchise or privilege, levy any tax, expend any money, or do or perform any other act whereby any liability will be incurred by either of said villages or by the city of Fulton; and any person violating the provisions of this section, or voting for any resolution in violation thereof, shall be liable to a penalty of one hundred dollars, to be sued for and recovered on behalf of said city, and shall in addition thereto be guilty of a misdemeanor.

§ 305. School boards continued.—The boards of education of union free school district number one of the town of Volney and of union free school district number two of the town of Granby, are hereby continued until the board of education of the city of Fulton shall be appointed as provided by this act; but neither of said boards of education shall enter into any con-

tract extending beyond the first day of May, nineteen hundred and two, nor shall they incur any liability or expend any school moneys, except for teachers' wages and incidental expenses due prior to the first day of May, nineteen hundred and two. Any member of either of said boards of education who shall violate, or vote for any resolution that violates the provisions of this section, shall forfeit a penalty of one hundred dollars, to be sued for and recovered by the city of Fulton, and in addition thereto shall be guilty of a misdemeanor.

§ 306. **Boards of trustees to appoint election officers.**—Within five days after the passage of this act, the trustees of the villages of Fulton and Oswego Falls shall meet in joint session at the town hall, the title to which is by this act vested in the city of Fulton, and shall proceed to elect one of their number as chairman and one as secretary of said joint board; said board so constituted shall without adjournment, appoint the election officers for each election district in said city, and such other officers as are required by the election law; shall designate a polling place for each election district where such election shall be held, and shall provide the necessary booths, guards, rails, and other articles for each such election district as required by the election law, for the city election to be held as in the next section provided. Said joint board so constituted shall again meet at the same place on the sixteenth day of April, nineteen hundred and two, at nine o'clock in the forenoon, and shall, without adjournment, canvass the vote of the six election districts of said city, and certify the result as provided by the election law, but to the clerk of the village of Fulton, who is hereby constituted city clerk of said city, for the purposes of said election, and shall hold said office until the city clerk is appointed as provided for by this act. A majority of the trustees present at such meetings shall constitute a quorum. Any trustee who wilfully neglects or refuses to attend such meetings or to perform the duties imposed by this section shall be guilty of a misdemeanor, and in addition thereto shall forfeit a penalty of one hundred dollars, to be sued for and recovered by said city.

§ 307. **First election under this act.**—The first election under this act shall be held on Tuesday the fifteenth day of April, nineteen hundred and two, and shall be conducted in all respects

as provided in the election law, except that the board of inspectors for each election district shall sit as a board for registration on the last Friday and Saturday of March, and the first Friday and Saturday of April, nineteen hundred and two, and except that certificates of party nominations may be filed not less than fifteen days, and independent nominations not less than ten days, prior to said election, and that said certificates of nominations for said city election shall be filed with the clerk of the village of Fulton, who shall at least six days prior to said election, cause to be printed and posted in at least ten conspicuous places in said city, a copy of the list of nominations as provided by the election law, one of which copies shall be posted in each polling place in said city. Any qualified elector who shall have been a resident of the city for thirty days prior to said election, may register and vote in any election district in which he may have resided for ten days prior to said election. All subsequent city elections shall be conducted and held in accordance with the general election law.

§ 308. Village boards to audit all accounts due.—The boards of trustees of the villages of Fulton and Oswego Falls, shall, before the tenth day of April, nineteen hundred and two, audit all accounts then outstanding against said villages, respectively, and shall cause a list of said accounts so audited to be certified to the clerk of the city of Fulton when appointed.

§ 309. Common council to raise money for immediate use.—The common council, at its first meeting, without waiting for estimates, shall ascertain the amount of indebtedness audited as provided in the last preceding section, the amount of the expenses of the election provided for in section two hundred ninety-seven of this title, including proper compensation for the acting city clerk, and the sums necessary to provide for the purposes specified in section forty-four of this act, up to the thirty-first day of December, nineteen hundred and two and no longer. The total sum so ascertained shall be entered on its minutes, and the city chamberlain shall borrow said amount upon the city's notes or certificate of indebtedness, payable within one year, and said sum shall be included in the next annual tax levy.

§ 310. Acts and parts of acts repealed.—All acts and parts of acts, so far as they are inconsistent with the provisions of

this act, are hereby repealed, but such repeal shall not affect any right already existing or accrued, or any liability incurred, by reason of any violation of any law now or heretofore existing, or any suit or proceeding already instituted or action had under said laws or ordinances, unless otherwise expressly provided in this act. Nothing contained in this act shall be construed to affect any of the several acts or parts of acts to regulate and improve the civil service of the state of New York.

§ 311. Act, when to take effect.—This act shall take effect immediately.

Chap. 64.

AN ACT to amend the lien law relating to the filing of chattel mortgages.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-three of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," as amended by chapter two hundred and forty-eight of the laws of nineteen hundred, is hereby amended to read as follows:

§ 93. Filing and entry.—Such officers shall file every such instrument presented to them for that purpose, and endorse thereon its number and time of its receipt. They shall enter in a book, provided for that purpose, in separate columns, the names of all the parties to each mortgage so filed, arranged in alphabetical order, under the head of "Mortgagors" and "Mortgagees," the number of such mortgage or copy and the date of the filing thereof; and, if the mortgage be upon a craft navigating the canals, and filed in the office of the comptroller, the name of the craft shall also be inserted. In the city of New York such officers shall in addition to the entry aforesaid enter in another book provided for that purpose a statement of the premises in which the chattels mortgaged are contained, arranged in alphabetical order, under the name of the street or avenue where

the premises are situated and giving the number of such mortgage or copy and the date of the filing thereof. In case no street or avenue is mentioned in the description, in the mortgage or copy, of the premises in which the chattels are contained, then a statement of such premises shall be entered under the title "Miscellaneous."

§ 2. This act shall take effect immediately.

Chap. 65.

AN ACT to amend chapter two hundred and seventy-two of the laws of eighteen hundred and ninety-seven, authorizing the commissioners of the almshouse of the city and town of Newburgh, in the county of Orange, to pay Saint Luke's home and hospital of Newburgh, New York, for the care and maintenance of indigent persons.

Accepted by the city.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section two of chapter two hundred and seventy-two of the laws of eighteen hundred and ninety-seven, entitled "An act authorizing the commissioners of the almshouse of the city and town of Newburgh, in the county of Orange, to pay to Saint Luke's home and hospital, of Newburgh, New York, the sum of one thousand dollars per annum, for the care and maintenance of indigent persons," is hereby amended so as to read as follows:

Authority
of com-
missioners.

§ 2. The commissioners of the almshouse of the city and town of Newburgh, are hereby authorized and empowered to pay to Saint Luke's home and hospital, a corporation located in the city of Newburgh, in the county of Orange, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein by order or permit of such almshouse commissioners, pursuant to rules established by the state board of charities, annually out of the excise moneys received by such commissioners, the sum of one dollar per day for

each of such inmates, but the total amount paid said hospital by said commissioners in any one year, shall not exceed the sum of two thousand dollars, and said hospital shall not, in any one year, be required to admit patients sent thereto by said commissioners after it has cared for persons received therein at their request, to the extent of two thousand days in such year. The board of managers of said hospital shall report annually, in writing, to the commissioners of the almshouse of the city and town of Newburgh, the number of patients received, pursuant to the provisions of this act and the rules of the state board of charities, their names, age, sex, the nature of their disease or wounds, the length of time cared for, with the date of entrance and departure.

Annual
report of
board of
managers

§ 2. This act shall take effect June first, nineteen hundred and two.

Chap. 66.

AN ACT to amend chapter forty of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Hornellsville," relative to the laying out of streets.

Accepted by the city.

Became a law, February 28, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of title seven of chapter forty of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Hornellsville," as amended by chapter one hundred and twenty-five of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

Act
amended

§ 6. When the common council shall have determined to lay out, alter, widen, straighten, extend, make, open or construct any street, alley, lane, highway, park, place or public grounds, and to take and appropriate the land necessary for the same, and shall have ascertained the estimated expense of such improvements aside from the damages hereinafter mentioned, and shall have determined to assess such expense and damages in the manner hereinafter provided, the city attorney shall

Proceedings
to appropri-
ate lands for
streets, etc.

Publication
of notice
to land
owners,
etc., to file
claims.

give notice of such determinations to the owner or owners of and other persons interested in the lands so proposed to be taken and appropriated, by publishing the same once in each week for four successive weeks in the official paper, or by personal service thereof upon each of such persons at least fifteen days prior to the time of the application hereinafter mentioned if all such persons be residents of said city, but if such persons or any of them be non-residents of said city then such notice shall be served upon such as are residents of said city if any there be personally, and upon such as are not residents personally, or by depositing such notice in the post-office in said city properly enclosed, post paid and directed to each of such persons as are not residents of such city at his place of residence, or if such place of residence be unknown, then by posting said notice in a conspicuous place upon the land so proposed to be taken and appropriated at least thirty days before the application hereinafter mentioned, and such mailing or posting, shall be a sufficient service of such notice. Said notice shall specify in general terms the improvement to be made, and shall describe the land proposed to be taken and appropriated therefor, and shall state that such owner or owners, and all persons interested in said lands, may, on or before a day to be specified in said notice, which day shall in case of service otherwise than personal be at least thirty days from the date of the mailing or posting of said notice, file with the clerk of said city their claim for damages, if any they have, on account of such taking or appropriation; and that, in case any such claim for damages shall be so filed, the common council will apply, at a time and place, to be specified in said notice, to a special term of the supreme court within the judicial district in which said city is located, or to the county court of Steuben county, for the appointment of three commissioners to ascertain and determine the damages so claimed. If any such claim shall have been filed as aforesaid, said common council shall make application to said court, at the time and place in said notice specified, for the appointment of such commissioners, and any person who shall have filed such claim for damages shall have a right to be heard on the application. Said court shall have power to adjourn the hearing and to exercise general authority over the proceeding, in

Application
for appoint-
ment of
commis-
sioners of
appraisal.

accordance to the rules and practice of said court, except as herein otherwise provided. Said commissioners shall be disinterested freeholders of said city, and shall severally, before entering upon the performance of their duty take and subscribe an oath faithfully, honestly and impartially to perform their duty in making such ascertainment and determination of damages, and to make a true report thereof according to the best of their ability and understanding. They shall enter upon the performance of their duties without delay, and shall give notice of the time and place of their meeting to make such ascertainment and determination, to such persons as appeared and to such persons as filed claims. If either of the commissioners shall be unable to serve from sickness or other cause, the common council may, at any time, without notice, make application to the court in which the proceedings are pending, to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. The common council may, from time to time, during the pendency of said proceedings, and before or after commissioners are appointed, determine to change the route of such street or to take other or additional lands for such purpose, and may change the description of the lands intended to be appropriated or the designation of the owner or owners thereof, and a copy of such determination or change shall be filed with the said commissioners or court. If such determination takes and appropriates land belonging to a person or persons other than those who have been mentioned in the determination, or other than those who have been served with notice and who have not appeared in the proceedings, such person or persons shall be served with notice of such determination or change and of the time and place of hearing in one of the ways hereinbefore mentioned. At the time and place so appointed for their meeting, the commissioners shall view the premises, and receive any legal evidence, and may, if necessary adjourn from day to day; they shall ascertain, determine and award to the owner or owners of, or other persons interested in said lands, so claiming damages as aforesaid, such damages as, in the judgment of said commissioners, such owner or owners or other persons interested will sustain by such improvement, after making due allowance for any benefit which

Duty of
commis-
sioners.

Determina-
tion, how
filed.

Application
to court for
confirma-
tion.

Proceedings
thereupon.

Proceedings
in case of
confirma-
tion.

such owner or owners or other persons interested may derive therefrom. If there be any building on the land taken for such improvement, the value thereof to remove shall be ascertained and determined by the commissioners, and stated in their return, and the owner thereof may remove the same within ten days, or such other time as the common council may fix, after confirmation of the return of the commissioners, and if the same be so removed, such value thereof shall be deducted from any damages awarded to said owner. The determination of the commissioners, signed by all of them, shall be returned to the common council and filed with the clerk within ninety days after their appointment. The city attorney shall serve upon all the parties, who appeared in the proceedings, or upon their attorney or attorneys at least eight days' notice that such report has been filed with the city clerk; and that at a time and place to be specified in said notice, said report will be presented at a special term of the supreme court, to be held in the judicial district in which said city is situated, or the county court of Steuben county, for confirmation. All persons desiring to object to said report, shall file their objections thereto, in writing, with the city clerk, at least five days before the day specified in said notice for such motion for confirmation. Such notice of confirmation shall be served in accordance with the rules and practice of the court. On the day specified in such notice, or on such other day as the court may designate, the court shall hear the parties in regard to said report, and shall confirm such determination or annul the same. If said court confirm the same, it shall be final and conclusive, but if it annul the same, it may refer the matter back to the same commissioners, or to three others to be appointed by said court, who shall proceed in all things in the making and return of the second determination as though it were the first, and the same proceedings shall be had thereon as if it were the first, and the same proceedings shall be had thereon, as if it were an original determination. After the final confirmation of any such determination, and the filing of the order of confirmation in the office of the city clerk, the common council is authorized to cause such improvement to be made and completed, and the amount of every award of damages so made and confirmed as

well as all other expenses of such improvement, shall be a valid liability against said city, and the payment thereof may be enforced against it by tax; and the court upon the final confirmation of any such award of damages may direct that the amount thereof when collected, be paid to, or deposited in some specified bank in the city of Hornellsville to the credit of the person entitled thereto, and such payment or deposit shall discharge the liability of said city therefor. If any commission herein authorized to be appointed, cannot agree, the county court upon motion, shall appoint three other commissioners as often as may be necessary, who shall proceed in all things in the making and return of said determination as though it were the first, and the same proceedings shall be had thereon as if it were an original determination. Except as herein otherwise provided, sections thirty-three hundred and sixty-three, thirty-three hundred and sixty-four, thirty-three hundred and sixty-seven, thirty-three hundred and sixty-eight, thirty-three hundred and seventy-three, thirty-three hundred and seventy-four, thirty-three hundred and seventy-nine, thirty-three hundred and eighty-one, thirty-three hundred and eighty-two of the code of civil procedure relating to the condemnation of real property, shall be applicable. If the amount awarded to any person is less than the claim for damages filed, the city shall recover the costs of the trial against such person to be taxed by the clerk of Steuben county at the same rate as is allowed to the prevailing party for the trial of an action in the court in which the proceedings are instituted.

Sections of
code of civil
procedure
applicable.

§ 2. This act shall take effect immediately.

Chap. 67.

AN ACT to authorize the appointment of the Hebrew Sheltering Guardian Society of New York as general guardian of the person and property of infants, under its care and control.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Hebrew Sheltering Guardian Society of New York may be appointed the general guardian of the person and

property of any minor child under its control, or in its charge, by any court of record of this state, or by a judge or justice thereof, upon the execution of such bond or the giving of such other security by said society as the court or officer making such appointment shall deem proper, and the charter of said society is hereby amended accordingly.

§ 2. This act shall take effect immediately.

Chap. 68.

AN ACT to provide for the support and maintenance of the several state prisons, and the Eastern New York reformatory, and for the ordinary repairs thereof.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred fifty thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the support and maintenance of the several state prisons, and the Eastern New York reformatory, pursuant to chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, and for the ordinary repairs thereof and supplying water therefor, said sums shall be payable by the treasurer upon the warrant of the comptroller.

§ 2. This act shall take effect immediately.

Chap. 69.

AN ACT to authorize the trustee of common school district number six in the town of Tonawanda, Erie county, to issue new bonds to retire the outstanding bonds of such district.

Became a law, February 26, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustee of school district number six in the town of Tonawanda, Erie county, may issue new bonds for the retirement of the outstanding bonds of such district as they become

Trustees
authorized
to issue
new bonds.

due, not exceeding in amount the sum of four thousand five hundred dollars. Before any such new bonds are issued a resolution shall be adopted at a special or annual district meeting to be called and held as provided in the consolidated school law. Such resolution shall state the amount of new bonds to be issued, the time and place where they shall be paid, and the rate of interest, not to exceed five per centum which shall be paid thereon. Such bonds shall be signed by the trustee and clerk of such district. They shall be payable not less than one nor more than twenty years from their date, and until paid shall be valid and binding on such school district. They shall be sold for not less than par, to the highest bidder at a public sale, held after a notice of such sale published in at least one newspaper published in the town of Tonawanda, or in such newspapers in the city of Buffalo as may be determined by the trustee for once a week for two weeks prior to the time of such sale. Such new bonds may be substituted in the place of outstanding bonds to be retired, if the holders thereof will accept such new bonds at the rate fixed by the resolution adopted by the district school meeting. If such bonds are sold as above provided the proceeds thereof shall be applied in the payment of such outstanding bonds. All bonds so issued shall be exempt from taxation for state, county, town, village or school purposes. Upon payment of such outstanding bonds or the substitution of new bonds therefor, such outstanding bonds shall be cancelled and retired.

Bonds,
when pay-
able.

Application
of proceeds

§ 2. This act shall take effect immediately.

Chap. 70.

AN ACT to amend chapter three hundred and sixty-one of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of North Tonawanda," relating to elections, officers and city government.

Accepted by the city.

Became a law, February 27, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title two of chapter three hundred and sixty-one of the laws of eighteen hundred and ninety-seven,

entitled "An act to incorporate the city of North Tonawanda," is hereby amended to read as follows:

§ 1. **City officers.**—The officers of the city shall be a mayor, a city judge, a city treasurer, three assessors, five commissioners of public works, three police commissioners, three fire commissioners, a commissioner of public charities, such members of the board of health as are now or hereafter shall be provided for by law, a city clerk, a city engineer, a city attorney, a superintendent of public works, such number of policemen, not exceeding twelve, as the police board shall determine, three aldermen-at-large, a superintendent of water works, a chief engineer of the fire department and two assistants, a sealer of weights and measures, commissioners of deeds, special policemen, two justices of the peace in addition to the city judge, who shall be ex-officio a justice of the peace, and three constables. There shall be in each ward a supervisor and two aldermen, such inspectors of election, poll clerks and ballot clerks as are or shall be provided by law.

§ 2. Section two of title two of said act is hereby amended to read as follows:

§ 2. **Time of holding elections.**—The annual municipal election shall be held on the same day as the state general election in each year. The polls of such election in each election district shall be held at such places as the common council shall designate as the polls of the general election.

§ 3. Section five of title two of said act is hereby amended to read as follows:

§ 5. **Plurality to elect.**—The person having a plurality of votes for the respective offices to be filled by general ballot for the whole city, and those having a plurality of votes for the offices to be filled by the electors of the several election districts or wards, shall be declared duly elected, and shall enter upon the discharge of the duties of their respective offices on the first day of January next following the said election, unless a different time is hereinafter specified.

§ 4. Section six of title two of said act is hereby amended to read as follows:

§ 6. **Special election, case of a tie.**—If at any election authorized by this act any officer voted for thereat shall not have been chosen by reason of two or more candidates having received

an equal number of votes, for the same office, a special election shall be ordered by the common council, to take place on the second Tuesday in the month next ensuing for the entire city or for any ward, as may be necessary, and the common council shall cause such notice as is required for a general city election to be posted for at least six days previous to such special election. The provisions of law in respect to the annual municipal election, as far as the same are applicable, shall apply to such special election and to any other special election called to fill a vacancy in any elective office in the city.

§ 5. Section two of title three of said act is hereby amended to read as follows:

§ 2. When elected.—In the year nineteen hundred and two and every second year thereafter, shall be elected a mayor who shall hold office until the thirty-first day of December of the year second following that of his election. In the year eighteen hundred and ninety-eight, and every second year thereafter, shall be elected a treasurer, who shall hold office until the thirty-first day of December of the year second following that of his election. In the year eighteen hundred and ninety-eight, and every year thereafter, shall be elected an assessor and a constable, who shall respectively hold office until the thirty-first day of December of the year third following that of their election. In the year eighteen hundred and ninety-eight, and every second year thereafter, shall be elected a justice of the peace, who shall hold office until the thirty-first day of December of the year fourth following that of his election. In the year eighteen hundred and ninety-nine, and every fourth year thereafter, shall be elected a city judge who shall hold office until the thirty-first day of December of the fourth year following that of his election. In the year eighteen hundred and ninety-eight and every second year thereafter shall be elected one alderman-at-large, who shall hold office until the thirty-first day of December of the year second following that of his election, and in the year eighteen hundred and ninety-nine and every second year thereafter, shall be elected two aldermen-at-large, who shall hold office until the thirty-first day of December of the year second following that of their election.

§ 6. Section four of title three of said act is hereby amended to read as follows:

§ 4. **When elected.**—In the year eighteen hundred and ninety-nine, and every second year thereafter, shall be elected in each ward one supervisor who shall hold office until the thirty-first day of December of the year second following that of their election. In the year eighteen hundred and ninety-eight, and every second year thereafter, shall be elected an alderman in each ward, who shall hold office until the thirty-first day of December of the year second following that of their election, and in the year eighteen hundred and ninety-nine, and every second year thereafter, shall be elected an alderman in each ward who shall hold office until the thirty-first day of December of the year second following that of their election.

§ 7. Section seven of title three of said act is hereby amended to read as follows:

§ 7. **Appointed officers.**—The mayor shall appoint the following officers, namely, commissioners of public works, police commissioners, fire commissioners, a commissioner of public charities, a sealer of weights and measures, a city physician, such inspectors of election, poll clerks and ballot clerks as are and shall be provided by law.

§ 8. Section eight of title three of said act is hereby amended to read as follows:

§ 8. **When appointed.**—The mayor may remove any officer appointed by the mayor for a term fixed by this act or to fill a vacancy within the term for which such officer shall have been appointed, for incompetency or malconduct in office, after giving to such officer a copy of the charges against him and an opportunity to be heard in his defense in person and by counsel. Immediately upon assuming the duties of his office, the mayor shall fill all vacancies in boards, the members of which are appointed by the mayor. At the first regular meeting in each year the common council shall appoint a city clerk. The water commissioners of the village of North Tonawanda in office at the time this act shall take effect shall be the commissioners of public works of the city of North Tonawanda for the remainder of the term for which they were respectively appointed or elected. In the year eighteen hundred and ninety-

eight and every third year thereafter, the mayor shall appoint two commissioners of public works who shall hold office for three years. In the year eighteen hundred and ninety-nine and every third year thereafter, the mayor shall appoint one commissioner of public works who shall hold office for three years. In the year nineteen hundred and every third year thereafter, the mayor shall appoint two commissioners of public works who shall hold office for three years. The police commissioners first appointed shall hold office for one, two and three years respectively, as shall be determined by the mayor at the time of the appointment; and annually thereafter the mayor shall appoint a police commissioner who shall hold office for three years. The fire commissioners first appointed shall hold office until the thirty-first day of December of the years nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four, respectively, as shall be determined by the mayor at the time of the appointment; and annually thereafter the mayor shall appoint a fire commissioner who shall hold office for three years. The commissioner of public charities shall hold office for one year. The members of each board shall select one of their number president thereof, and one of their number a secretary thereof. The sealer of weights and measures shall be appointed at the times in the manner and for the term provided by law. The board of public works shall appoint the superintendent of public works, the superintendent of water works, and a city engineer, and may remove them at pleasure. The superintendent of water works shall receive an annual salary of not to exceed twelve hundred dollars, which shall be paid out of the water fund.

§ 9. Section one of title four of said act is hereby amended to read as follows:

§ 1. In elective office.—Vacancies occurring in any manner in any elective office, shall be filled by the common council at its first regular meeting after the occurrence of the vacancy; but the person appointed to fill a vacancy shall hold the office until the thirty-first day of December next ensuing.

§ 10. Section one of title seven of said act is hereby amended to read as follows:

§ 1. Organization and procedure.—The legislative powers of the corporation shall be vested in the board of aldermen of the

city, who shall be called the common council. The common council shall meet on the first Tuesday in January next after each annual election. At such meeting, or as soon thereafter as practicable, the common council shall choose one of the aldermen to be president, who shall be the presiding officer of the common council. A vacancy in the office of president of the common council shall be filled by the common council by ballot. In the common council the president shall vote as an alderman only. The common council shall meet in the common council rooms at such times during each official year, after their first meeting, as they shall by resolution designate. Special meetings may be called by the mayor, or any three aldermen, by appointment in writing to be filed with the city clerk, and notice thereof shall be served as the common council shall by ordinance prescribe. The presence of a majority of the aldermen authorized to be elected shall constitute a quorum of the common council, but a less number may adjourn from time to time. A majority vote of the aldermen present at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by tax or assessment, or ordinance be passed or adopted, unless it receive the assent of a majority of all the aldermen in office, which vote shall be by yeas and nays, and a record thereof be entered at large in the minutes.

§ 11. Section six of title seven of said act is hereby amended to read as follows:

§ 6. Limitations on loans and the incurring of obligations by the common council.—The said common council shall not have power to borrow, and is hereby expressly prohibited from borrowing any money on account of the city, except as herein provided, and except for the purpose of anticipating, as far as may be necessary, the receipt of the general annual tax. The said common council shall not create any pecuniary obligation whatever on the part of the city which shall not be payable within the fiscal year within which such obligation was incurred, or eight months thereafter, and which cannot be discharged from the income of the same year; except that the common council may, when it shall thereby be able to obtain a more advantageous contract for the city, enter into a contract with

any person, company or corporation for lighting the streets, alleys and public places of the city, for a period not exceeding three years; but this prohibition shall not affect the provisions of this act in regard to obligations for, or relating to the expenditure of any sum raised by issuing bonds.

§ 12. Section five of title eight of said act is hereby amended to read as follows:

§ 5. Notice of completion of roll.—When the assessors shall have completed an assessment for the city of North Tonawanda, they shall cause to be posted in ten public and conspicuous places in the city, and published in the official newspaper in the city, a notice of the completion of said roll, and that the same may be seen and examined at the office of the assessors, and until the time when, not less than twenty days from the first publication of such notice, they will meet for the purpose of hearing and determining all complaints to said roll, and of revising and correcting the same. They shall also during said period of twenty days, serve or cause to be served personally, or deposited in the post-office in said city, notices directed to the owners of the lands whose names shall be entered on the roll and registered in the book kept by the assessors as herein provided, to their post-office addresses as therein registered, and which notice shall state that the roll, naming it, is on inspection and shall contain a description of the property assessed and the assessed valuation thereof. But a failure to give such notice shall not invalidate any assessment contained in such roll. They shall have such power and authority during such period and at such times to correct such roll as to them shall seem necessary. They may add or insert therein any property liable to taxation, and the assessment thereof, which may have been omitted therefrom, upon giving personal notice thereof to the owner, agent or occupant of the property. The assessors shall meet at the time and place specified in said notice so published and posted as aforesaid, and hear and determine all complaints in relation to any of the assessments appearing on said assessment roll, and for that purpose they may adjourn from time to time. Upon such hearing the assessors may compel the attendance and testimony of witnesses by process to be issued by them, and to be enforced in the same manner as processes against witnesses in

criminal cases. Said complainants shall file with the assessors a statement, under oath, specifying the respect in which the assessment complained of is incorrect, which verification must be made by the person assessed, or by some person authorized to make such statement, and who has knowledge of the facts stated therein. The assessors may administer oaths, take testimony, and hear proofs in regard to any such complaint and the assessment to which it relates. If not satisfied that such assessment is erroneous, they may require the person assessed or his agent or representative, or any other person, to appear before them and be examined concerning such complaint and to produce any papers relating to such assessment with respect to his property, or his residence, for the purpose of taxation. If any such person, or his agent or representative, shall willfully neglect or refuse to attend and be so examined, or to answer any material question put to him, such person shall not be entitled to any reduction of his assessment. Minutes of the examination of every person examined by the assessors upon the hearing of any such complaint, shall be taken and filed in the office of the assessors. Any person feeling himself unjustly or unfairly assessed, may, after his application has been rejected by the assessors, for the purpose of having his assessment reviewed, proceed in the same manner be entitled to the same remedies and process, and the proceedings relating to the review of such assessment shall be the same, as is or may be provided by law in relation to review by the supreme court of assessments on an assessment roll of a town; and for the purpose of reviewing the assessment complained of, such court shall possess and exercise the same rights and powers as are or may be given such court by such law; but any petition or application to any court for the review of any assessment or any assessment roll for the said city, must be presented within fifteen days after the completion, correction, and filing of such roll with the city treasurer and the first posting or publication of the notice thereof required by law to be posted and published. If the proper notices required to be given prior to such filing are given as required by this act, the assessment roll shall become and be final and conclusive as to all persons making no objections thereto.

§ 13. Section six of title eight of said act is hereby amended to read as follows:

§ 6. **Filing of roll.**—After the assessment roll for said city shall have been corrected and completed, the assessors or a majority thereof shall make and subscribe thereto an oath, and verify such roll substantially as is or may be provided by law for the verification of the assessment roll of a town; and they shall file the same with the city treasurer, on or before the first day of September in each year. They shall also prepare from such general assessment roll a separate assessment roll for each ward of the city, the assessments on which roll shall be copies of the same assessments in said general roll, and shall deliver the same to the supervisors of the city of North Tonawanda, to be by them delivered to the board of supervisors of the county of Niagara, and the same shall be the assessment roll of the city for county and state purposes. The board of supervisors of Niagara county shall have the same power and authority to examine and correct such assessment roll, and to equalize the value therein expressed, as it has or may have by law with respect to the assessment rolls of towns of said county.

§ 14. Section seven of title eight of said act is hereby amended to read as follows:

§ 7. **Lien of taxes.**—Upon the filing of the assessment roll for said city with the city treasurer, all taxes and assessments therein made upon the several parcels of land therein specified, together with interest thereon and additions thereto, as they accrue, shall be and remain a lien and charge upon the said lots or parcels of land, respectively, for ten year from the time of filing such assessment roll with the city treasurer, superior to all other liens, right, title or estate therein, until paid or otherwise satisfied and discharged, and shall have priority over all other taxes in the inverse order of time in which they become liens. The taxes assessed upon personal property shall be a lien thereon from and after the date of the delivery of the roll to the city treasurer.

§ 15. Section eight of title eight of said act is hereby amended to read as follows:

§ 8. **Statement of corporations.**—The president or other proper officer of every moneyed or stock corporation in the city, and every individual banker deriving an income or profit from its capital or otherwise shall, on or before June fifteenth, deliver to one of the assessors the written statement required by section twenty-seven of article two of the tax law, and every individual banker doing business under the laws of this state shall before said date, make to the assessors the report required by section twenty-five of article two of said tax law; and the chief fiscal officer of every bank or banking association organized under the authority of this state or of the United States, shall on or before the first day of July in each year, furnish to the board of assessors at their office, the sworn statement required by section twenty-three of article two of the tax law as amended by chapter five hundred and fifty of the laws of nineteen hundred and one, and in default thereof, the assessment of the board shall be conclusive.

§ 16. The heading to title eight of said act immediately after the words "title eight assessors" is hereby amended to read as follows:

Section 1. City assessors, their powers and duties.

2. Assessment of taxes.
3. Assessment roll.
4. Aid of city attorney and city engineer.
5. Notice of completion of roll.
6. Filing of roll.
7. Lien of taxes.
8. Statement of corporations.
9. Assessors' maps, et cetera, public records.
10. Violation of duty.
11. Registration of addresses of persons liable to taxation.
12. Registration of conveyances of land.
13. Other duties of assessors.
14. Other duties; salary.

Section 17. Said title eight is further amended by adding thereto new sections to read as follows:

§ 11. **Registration of addresses of persons liable to taxation.**—The assessors shall keep in their office a book for the regis-

tration of the names and post-office addresses of all persons liable to taxation within the city who may desire to register the same, and all such persons making such registration shall be entitled to a notice from the assessors of the completion of the roll with the other particulars in said notice required to be given, as in this act provided.

§ 12. **Registration of conveyances of land.**—The assessors shall also keep in their office a book in which upon the presentation to them of every deed of conveyance of lands in said city, they shall enter the date thereof, the names of the grantees thereto, and a brief description of the real property therein described. They shall also note upon every such deed of conveyance presented to them the fact of such presentation. If the county clerk shall record any deed of conveyance of lands in the city, which shall not have been marked by the city assessors, as provided by this act, he shall forfeit to the city the sum of ten dollars for each offense. But nothing herein contained shall affect the record of an unmarked deed.

§ 13. **Other duties of assessors.**—In addition to the other duties imposed upon said assessors by this title, said assessors shall also prepare annually from each general assessment roll as revised, a separate assessment roll for each union free school district wholly within the city of North Tonawanda, the assessments on which roll shall be copies of the same assessments on said general city roll, and shall extend thereon the several amounts to be raised as taxes by the said school district for that year as the same shall be furnished to said assessors by the board of education of such school district, and shall deliver such separate roll to said board of education; and the same, when approved and signed by such board of education, shall constitute the tax roll for such school district.

§ 14. **Other duties; salary.**—The city assessors shall keep their office open during each day of the year, excepting legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon, and at least one of said assessors shall be in attendance during all such times at said office. Said assessors shall perform all clerical work whatsoever required or necessary in the preparation and completion of all assessment rolls, and the preparation of all tax rolls required to be made by them, and shall perform all other duties imposed upon them

by law without other compensation than the salary herein provided. The city assessors shall each receive an annual salary of not to exceed six hundred dollars and shall in no case receive any additional or extra compensation.

§ 18. Section one of title nine of said act is hereby amended to read as follows:

§ 1. **City treasurer; his duties.**—The city treasurer shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall provide and designate, which shall be kept open each day in the year, except Sundays and legal holidays, from nine o'clock in the forenoon until five o'clock in the afternoon, and at such hours as the common council may, from time to time, direct. In case of the death or removal from office of the city treasurer, or when he shall, from any cause, be disabled from performing the duties of said office, or in case said office shall become vacant from any cause, the mayor shall appoint some suitable and competent person having the qualifications of an elector in said city, to perform temporarily the duties of city treasurer. The person so appointed shall in case of the disability of the city treasurer, continue to perform the duties of such office until such disability is removed or a vacancy occurs in said office: And in all other cases shall continue to perform such duties until a city treasurer shall be appointed by the common council as provided by this act; but the mayor shall not make any such appointment in case of the resignation of the city treasurer where such city treasurer so resigning continues to perform the duties of the office after such resignation and until his successor is appointed by the common council. The person so appointed shall, during the time he so acts as city treasurer, receive the same amount of salary as the city treasurer would have received during the same period. Before entering upon the duties of his office, the person so appointed shall furnish to the city a bond in such amount and with such surety as the mayor shall require, and which shall be approved by the mayor.

§ 19. Section two of title nine of said act is hereby amended to read as follows:

§ 2. **Bond to the city.**—Before entering upon the duties of his office, the city treasurer shall execute and file an official bond

with two or more sureties or of some solvent surety company, in such penal sum as may be fixed by the common council, not less, however, than fifty thousand dollars, in accordance with the provisions of law in such case made and provided. The common council may require such bond to be executed by some solvent surety company, in which case the city shall reimburse the treasurer for the expense of said bond. All bonds given by the city treasurer shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon, and the bonds so endorsed shall be filed and recorded in the city clerk's office. Six months after the treasurer shall retire from office the common council may declare such bond satisfied; and thereupon all liability thereunder shall cease provided that no action is then pending thereon.

§ 19. Section three of title nine of said act is hereby amended to read as follows:

§ 3. Bond to the supervisors.—Before any warrants for the collection of taxes issued by the board of supervisors of the county of Niagara, shall be delivered to the city treasurer, he shall execute an additional bond to the county of Niagara with two or more sureties, freeholders of the county of Niagara, or some solvent surety company, to be approved by the supervisors of the city of North Tonawanda, in a penalty equal to the amount of said taxes directed to be collected by said warrant, and in accordance with the provisions of law in such case made and provided. The supervisors of said city, or a majority of them, shall forthwith cause said bond so approved by them to be delivered to the clerk of the county of Niagara, with their approval endorsed thereon. Such bonds shall be duly recorded by the said clerk as in the case of collectors of towns; and such bond shall continue and hold good without renewal until the expiration of the time allowed for collection of said taxes or any extension thereof, as provided by law.

§ 20. Section ten of title nine of said act is hereby amended to read as follows:

§ 10. Annual reports.—The city treasurer shall annually and on the last business day in each fiscal year, file with the city clerk, who shall forthwith present the same to the common council, an itemized account of all his receipts and disbursements, since the date of his last annual report, and a state-

ment of the financial condition of the city. When such report shall have been examined and certified as correct by the common council, the vouchers thereto shall be filed with the city clerk, and be by him preserved as a part of the city records for at least six years. The aforesaid statement of the financial condition of the city shall be published once in the official newspaper. At the time of the annual statement and immediately preceding the expiration of his term of office, or within such time after the annual statement as the common council may fix, he shall pay to his successor in office all such moneys, remaining in his hands, and deliver to such successor in office all assessment rolls, books, papers, and property belonging to the city or pertaining to the affairs of the city in connection with the duties of his office. He shall annually settle with the common council, and as much oftener as they may require, for all tax rolls and warrants issued to him by the board of supervisors of Niagara county, and for all moneys received and collected by him for school or other purposes, and produce the proper vouchers of the board of education and other officers for all moneys paid upon the warrants of said officers.

§ 21. Section eleven of title nine of said act is hereby amended to read as follows:

§ 11. **Action against treasurer for neglect of duty.**—The mayor shall have power to suspend or remove the city treasurer for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without a reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defense. If by reason of any default misconduct, or neglect of duty the city shall have suffered any damage or loss, the mayor shall at once cause an action to be brought in the name of the city of North Tonawanda against said city treasurer, or the sureties upon his official bond, or both to recover any sum due the city by reason of such default, misconduct, or neglect of duty.

§ 22. Section thirteen of title nine is hereby amended to read as follows:

§ 13. **Registration of address of taxpayers.**—It shall be the duty of the city treasurer to keep a record of all persons and their respective addresses, who may pay taxes for non-residents

of said city, and the addresses of such non-residents so far as he can ascertain the same.

§ 23. Section fourteen of title nine of said act is hereby repealed.

§ 24. Section two of title ten of said act is hereby amended to read as follows:

§ 2. Duties regarding audits and resolutions.—The clerk shall within forty-eight hours after each and every meeting of the common council, make and deliver to the city treasurer a copy certified by him of all resolutions and proceedings of the common council relating to the finances of the city, including a statement of all orders for the payment of money by it directed to be drawn; to each board of the city a certified copy of all resolutions and proceedings of the common council relating to said board, and to the mayor, a certified copy of every motion, resolution, ordinance or by-law passed by the common council, board of police commissioners and board of fire commissioners, except those relating to rules for its own government and the appointment of officers. He shall keep an accurate account of all moneys received by him, belonging to the city, and upon receipt thereof pay the same over to the city treasurer, take a proper receipt therefor and file the same in his office and report the same to the common council at its next regular meeting; he shall also keep an accurate account of all expenditures by the common council and of all warrants and orders drawn on the treasurer; his accounts shall be kept in such book or books, and manner, as the common council shall direct; he shall report to the common council, at each regular meeting thereof, the aggregate amount of the orders drawn by him on each fund during the current fiscal year, except local improvement funds, and shall report thereon when directed by the common council, and said report shall also specify what amount to the credit of the several funds must be reserved to pay salaries and other fixed expenditures during the remainder of the fiscal year.

§ 25. Section three of title ten of said act is hereby amended to read as follows:

§ 3. Shall be town clerk.—The clerk shall perform all duties of the clerks of towns, not inconsistent with this act, and his office is hereby declared a town clerk's office for the purpose

of depositing and filing therein all books and papers, including chattel mortgages, bills of sale, conditional contracts, or other pledges of personal property, required by law to be deposited, filed or entered on record in a town clerk's office; and he shall possess all the powers and discharge all the duties and receive the fees of a town clerk, except so far as may be inconsistent with the provisions of this act. He shall be clerk of the board of police commissioners, and of the board of fire commissioners. The books and papers in his office shall be produced upon reasonable demand for the inspection of any elector of said city, and upon like demand, and the tender of fees at the rate of six cents per folio therefor, he shall furnish a copy of any paper or record filed or kept with him as such clerk. All fees received by him under the provisions of this act, or otherwise, shall be paid by him to the city treasurer for the use of said city. His bond or bonds shall be filed in the office of the city treasurer.

§ 26. Section eight of title eleven of said act is hereby amended to read as follows:

§ 8. **The city engineer.**—The city engineer shall be appointed by the board of public works for a term of one year. He shall receive a salary to be fixed by the common council of not more than twelve hundred dollars per annum, payable monthly, which said sum shall be in full for all services rendered by him to the city of North Tonawanda, or to any department thereof, exclusive of his necessary disbursements for help and materials required in official surveys. No person shall be appointed to said office unless he possesses the qualifications of a civil engineer. He shall perform all such services for the city as properly come under the direction of a civil engineer and surveyor, and he shall be consulted on all important matters relating to public improvement of every kind, where the advice of a civil engineer would be of service. He shall perform such other duties pertaining to civil engineering and surveying and be subject to such liabilities as shall be prescribed by the common council, assessors and board of public works, in addition to all other duties imposed by this act. All maps and surveys prepared by said engineer in the course of his work shall be the property of the city and be delivered by him to his successor.

§ 27. Title eleven is hereby further amended by adding thereto another section to be known as section twelve and to read as follows:

§ 12. **Justices of the peace; jurisdiction.**—Each justice of the peace in the city of North Tonawanda shall have and keep an office or place for the transaction of his official business within said city, and not elsewhere; he shall have and exercise all powers and authority, and discharge all the duties and be entitled to all the fees and compensation of justices of the peace in the several towns in this state, except as modified by this act; he shall have the same territorial jurisdiction as if said city constituted a part of the town of Wheatfield.

§ 28. Subdivision one of section three of title twelve of said act is hereby amended to read as follows:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars. An action to recover the sum due upon any tax or assessment when the amount claimed does not exceed five hundred dollars.

§ 29. Section eight of title twelve of said act is hereby amended to read as follows:

§ 8. **Police court abolished.**—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for or on account of offences committed or charged to have been committed within this city, shall have all the jurisdiction and authority which a justice of the peace of a town would have if such offense were committed or charged to have been committed in the town, including bastardy proceedings. And the city court within such city shall possess and exercise all the powers conferred upon courts of special sessions, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions; and upon conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court. And the office of police justice and the police court in and for the village of North Tonawanda, New York, is hereby abolished, and shall cease to exist after the passage of this act. And all the criminal jurisdiction heretofore belonging to said police justice and court is hereby conferred upon the city court of North Tona-

wanda, New York. Said city court has exclusive jurisdiction in the first instance in all cases of violation of ordinances of the city of North Tonawanda.

§ 30. Section ten of title twelve of said act is hereby amended to read as follows:

§ 10. Rules and regulations.—The mayor shall appoint a competent person, who shall perform the duties of the city judge in case of and during his temporary disability or absence, and who shall, during the time he is performing such duties, receive the sum of three dollars per day to be deducted from, and paid out of the salary of the city judge. The city judge shall make and cause to be published such necessary rules and regulations as he may deem proper for the government of the practice in said court.

§ 31. Subdivision five of section one of title eighteen of said act is hereby amended to read as follows:

5. For salary of the city treasurer, fifteen hundred dollars; for salary of the city judge, twelve hundred dollars; for salary of the city clerk, one thousand dollars; for salary of each assessor, not exceeding six hundred dollars; for salary of the superintendent of public works, one thousand dollars; for salary of commissioner of public charities, a sum not exceeding six hundred dollars; for the salary of the city attorney, a sum not exceeding fifteen hundred dollars; for the salary of the city engineer, a sum not exceeding twelve hundred dollars; for the salary of the city physician, a sum not exceeding five hundred dollars.

§ 32. Subdivision six of section one of title eighteen as amended by chapter four hundred and ninety-three of the laws of nineteen hundred, and by chapter six hundred thirty-six of the laws of nineteen hundred, is hereby amended to read as follows:

6. For lighting the public buildings of the city, providing necessary apparatus and means for the prevention and extinguishment of fires, defraying the contingent expenses of the city, the expenses of public improvements proper to be done by the city, and all other miscellaneous expenses of the city, its officers, boards or commissioners, a sum not exceeding four thousand dollars; for lighting the streets, alleys and pub-

lic places of the city, a sum not exceeding fifteen thousand dollars.

§ 33. Said section one of title eighteen is further amended by adding a new subdivision thereto following subdivision four, to be known as four-a and to read as follows:

4a. For the uses and purposes of the board of fire commissioners, a sum not exceeding six thousand dollars.

§ 34. Section two of title eighteen of said act is hereby amended to read as follows:

§ 2. Boards to submit annual statement.—Each board entitled to an appropriation, as in this title provided, shall annually, on the last business day of the fiscal year deliver to the city clerk a statement in writing of the sum which it will require for its uses and purposes during the ensuing fiscal year, not exceeding the sum herein provided for. Such statement shall show any unexpended balance remaining to the credit of the board in the city treasury, and be signed by the presidents of such boards respectively. The city clerk shall deliver all such statements to the common council at its next meeting. The common council thereupon shall cause to be included in the next annual tax levy the sum so stated to be required by each board for its uses and purposes during the next fiscal year, not exceeding the amount therein provided for each board, respectively, after deduction therefrom of any unexpended balance remaining to the credit of such board in the city treasury. Each of said boards shall also, at said time, file with the city clerk an inventory of all the property under its control, which inventory shall show the estimated value of said property.

§ 35. The heading of title nineteen, immediately after the words and figure “five. Tax receipts,” is hereby amended to read as follows:

§ 6. Collection of tax by levy and sale.

§ 36. Section three of title nineteen of said act is hereby amended to read as follows:

§ 3. Notice of receiving taxes.—Immediately upon receiving the county and city tax roll, the treasurer shall cause to be published in the official newspaper once a week for three successive weeks a notice, and shall post notices in five public and conspicuous places in each ward in the city, and cause such other or further notices to be given as the common council may direct,

that the said rolls have been left with him for collection, and that he will be ready at his office during his office hours for thirty days next after the first publication of such notice to receive payment of taxes thereon, and that for said period of thirty days every person paying his taxes to the treasurer may do so without additional charges; for thirty days next thereafter two per centum fees thereon shall be collected; and that thereafter five per centum fees shall be collected, and that any such taxes remaining unpaid after the expiration of ninety days, in addition to said five per centum fees, shall bear interest at the rate of twelve per centum per annum from the date of the delivery of the roll to the treasurer, and such interest and fees shall be charged accordingly. Interest on taxes and assessments shall not be computed for less than one month, and shall be computed up to the first day of the month following the day of payment. The treasurer shall attend at the time and place specified in such notice, and may receive, but not enforce, the collection of taxes within the first thirty days after the publication of said notice.

§ 37. Section six of title nineteen of said act is hereby amended to read as follows:

§ 6. Collection of tax by levy and sale.—The city treasurer either by himself or deputy shall have the power after the expiration of the period of thirty days next after the first publication of the notice of receiving taxes to collect any taxes assessed against real and personal property, together with the additions and interest due thereon, and the costs of collection, by levy and sale of personal property belonging to the person so assessed, in the manner provided by law for the levy and sale of personal property provided under an execution; and the city shall be entitled to the same fees for the services of the treasurer or deputy, as are allowed by law for selling personal property under an execution. Public notice of the time and place of the sale of the property to be sold shall be given by the treasurer in the manner constables are required to give notice of sale of personal property under an execution. Collection of taxes against a telegraph, telephone, electric light line, or other line for transmission of electricity, may be enforced by the sale of the instruments and batteries connected with such line, and in case there is not sufficient personal prop

erty, together with such instruments and batteries, to pay such tax, additions and interest, with costs of collection and the expenses of the sale, the city treasurer shall proceed to sell such part of the line in the city as may be necessary to satisfy the unpaid taxes, interest, additions, costs and expenses of the sale, in the manner now provided by law for the sale of land under an execution, and upon such sale shall execute to the purchaser a conveyance of such part of such line, and the purchaser shall thereupon become the owner thereof. No claim of property to be made thereto by any other person than the owner shall be available to prevent such sales. If the proceeds of such sales shall be more than the amount of such tax, interest and additions, fees of collection and expenses of the sales, the surplus shall be paid to the person against whom the tax was assessed. If any other person shall claim the surplus on the ground that the property sold belonged to him, and such claim be admitted by the person for the payment of whose tax the sale was made, such surplus shall be paid to such other person. If such claim be contested by the person for the payment of whose tax the property was sold, such surplus shall be paid over by the city treasurer to the county treasurer of the county of Niagara, who shall retain the same until the rights of the parties thereto shall be determined by due course of law, or by an agreement in writing made by them and filed with the county treasurer.

§ 38. Section seven of title nineteen of said act is hereby amended to read as follows:

§ 7. Collection of tax by civil action.—The city treasurer is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of ninety days, with the additions and fees unpaid thereon, and to recover judgment therefor with twelve per centum interest thereon, and the cost and expenses of such action. The city judge shall have jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such actions, in any court not of record, may be filed, and such judgment docketed in the office of the clerk of Niagara county, and it shall however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount

of such judgment, upon all real estate of the judgment debtor situate in said county, and shall have the same priority over any other lien or incumbrance upon, or transfer of the property charged with the tax, for which such action was brought, as the lien of the tax sought to be recovered in said action.

§ 39. Section eighteen of title nineteen of said act is hereby amended to read as follows:

§ 18. **Certificate of purchase.**—The treasurer upon receiving the amount of the total tax, interest, fees, additions and expenses of sale, shall make and deliver to each purchaser, including the city, if a purchaser, a certificate, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, the time when the purchaser will be entitled to a deed of conveyance of the lands sold, and that the same were sold for unpaid city taxes. Such certificate shall be signed by the treasurer in his official capacity, and shall be presumptive evidence of the regularity of all prior proceedings. If the purchaser subsequently pays any taxes levied on the parcel of land so purchased by him, whether for any year or years previous or subsequent to such sale, he shall have the same lien for them, and may add them to the amount paid by him in the purchase. If any person shall become a purchaser of more than one parcel of property, he may have the whole included in one certificate, but each parcel shall be separately described, and the amount paid may be entered in gross in said certificate. Such certificate of purchase shall be assignable by assignment indorsed thereon or annexed thereto, and an assignment thereof shall vest in the assignee or his legal representatives all the right and title of the original purchaser; and the statement in the deed of the fact of the assignment shall be presumptive evidence of such assignment. An assignment of any such certificate held by the city, shall be executed by the city treasurer.

§ 40. Section thirty-six of title nineteen of said act is hereby amended to read as follows:

§ 36. **Application of title.**—All the provisions of this title are hereby made applicable to all village taxes of the former village of North Tonawanda heretofore levied or assessed, and to the collection of all local assessments and taxes for local improvement, except as in this act otherwise expressly provided. But nothing contained in this act, or the acts amendatory thereof,

shall be held or construed as in any way affecting the validity or lien of any state or county tax heretofore or hereafter to be levied, assessed upon or against any of the real estate in this act referred to, or sold, or in any way depriving the county of Niagara, or state of New York, by its proper officers, from enforcing the collection, by sale or otherwise, of any such tax from or against any of said lands or real estate.

§ 41. The heading of title twenty-one of said act immediately after the words "title twenty-one. The board of public works," is hereby amended to read as follows:

Section 1. Organization.

2. Rules and regulation.
3. Recommendations to the common council.
4. Expenditures without order of common council.
5. Expenditures in pursuance of the orders of common council.
6. Execution of public works and payment therefor.
7. Funds from which expenditures are payable.
8. Construction and repair of sidewalks, gutters and culverts.
9. Powers.
10. Grades.
11. Building material in streets.
12. Shall be commissioners of highways.
13. Electric lighting plant.
14. Control of water-works.
15. Duties as to supply of water; acquisition of lands.
16. Same; preliminary proceedings.
17. Same; condemnation proceedings.
18. Perfecting title; injunctions.
19. Use of streets and highways; sale of water.
20. Water rents.
21. Connecting pipes.
22. Assessment for fire protection.
23. Water rents; how applied.
24. Board may sue and defend.
25. Board to establish rules and regulations for enforcing water rents.
26. Annual report.
27. Tax for deficiency to pay interest on bonds.

Section 42. Section one of title twenty-one of said act is hereby amended to read as follows:

§ 1. **Organization.**—The board of public works shall elect one of its members president, who shall be its presiding officer, and one of its members as its secretary. Three members of the board shall constitute a quorum, but no action of the board shall be taken except by the concurring votes of three members of the board. The board shall cause to be kept by its secretary a journal of its proceedings, full and accurate accounts, and records of all moneys appropriated or expended by it, of all officers appointed, suspended, or removed by it, of all liabilities incurred, work performed, employees engaged and contracts executed by it in behalf of the city, and of all matters pertaining to the execution of the duties of the board.

§ 43. Section eight of title twenty-one of said act is hereby amended to read as follows:

§ 8. **Construction and repair of sidewalks, gutters and culverts.**—Whenever the common council shall order, or the board of public works shall deem it necessary, that any sidewalk, gutter or culvert be made, constructed, graded, regraded or relaid, or any gutter or culvert repaired, the board shall prescribe the width and length of the sidewalk, the materials of which it is to be constructed, the form and manner of the construction of the gutter or culvert, and the city superintendent of public works shall immediately require the owner of the adjoining land to do such work by a notice served similarly to that in this section; provided, and in case of the owner's neglect or refusal to do such work within ten days, the superintendent of public works shall immediately do such work. When any sidewalk in the city shall be in an unsafe condition or in need of repair, it shall be the duty of the city superintendent of public works to forthwith give written notice to the owner of the adjoining land to repair the same within twenty-four hours from date of said notice, and in case of the owner's neglect or refusal to make such repairs within the time stated in said notice, the superintendent of public works shall immediately do such work. The city superintendent of public works, after doing any of the work in this section described, shall then give notice of the expense of such work to the owner,

requiring the payment thereof to the city treasurer within ten days after the service of such statement. Written notice thereof shall be served upon the owner personally, or inclosed in a post-paid wrapper and deposited in the post-office, addressed to such owner at his last known post-office address. If such expense be not paid to the city treasurer within the time prescribed therefor, the city superintendent of public works shall file his affidavit of the actual expense thereof with the clerk of the city, who shall deliver the same to the assessors on or before the first day of June in each year, and the same, together with interest thereon at twelve per centum per annum from the date of filing such affidavit added thereto, shall thereupon be assessed by the assessors against the owner of such adjoining premises, and upon said premises at the same time as the annual tax assessment is made by said assessors, and shall be included in said annual assessment roll, and collected in the same manner as the city taxes are collected, with interest thereon at the rate of twelve per centum per annum from the date of such assessment. Wherever any sidewalk, gutter or culvert shall be relaid or constructed it shall be relaid or constructed upon the grade fixed by the city engineer. The gutters in streets paved and macadamized in whole or in part by local assessment shall be kept in repair at the expense of the city. Whenever any person owning or occupying lands adjoining a street shall with the consent of the board of public works construct a sidewalk of stone, cement, or other similar material along the line of such land, of the width of four feet or more, it shall be the duty of said board of public works to examine the same when finished, and to credit such owner or occupant therefor so much on account of his assessment for highway tax in the city of North Tonawanda, as shall be equal in amount to one-third of the actual and necessary expense of constructing such sidewalk, and to deliver to such owner or occupant their certificate of the amount of such credit; but no such credit shall be allowed unless the sidewalk so constructed shall be of a good and substantial character and in accordance with the requirements as to sidewalks of such character which may be adopted by the board of public works. Upon presentation of such certificate by the owner thereof to the city treasurer, such owner shall be

credited thereon with the amount of all highway taxes of such owner in the city until the amount of such credit shall be equal to the sum of such credit for which said certificate was allowed.

§ 44. Section twelve of title twenty-one of said act is hereby repealed and section thirteen thereof is hereby renumbered as section twelve and section fourteen thereof is hereby renumbered as section thirteen.

§ 45. Section fifteen of title twenty-one of said act is hereby renumbered and amended to read as follows:

§ 14. **Control of water-works.**—The board of public works is vested with the charge, management and control of the water-works, reservoirs, pipes, hydrants, and of all buildings, structures, and premises pertaining thereto, and of all machinery, tools, appliances and materials used in connection therewith, which may now belong to, or hereafter be acquired by the city.

§ 46. Said title twenty-one of said act is hereby further amended by adding thereto new sections, to be known as sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven, to read as follows:

§ 15. **Duties as to supply of water; acquisition of lands.**—It shall be the duty of said board of public works to examine and consider all matters relating to supplying the city with pure and wholesome water; it shall adopt such plans as, in the opinion of said board, may be most feasible for procuring such supply of water, and may at any time before the appointment of commissioners of appraisal, as hereinafter provided, amend the same. Such plans shall embrace proper distribution pipes and supplies for all streets and places where, in the opinion of said board, it shall be of interest to the city for domestic, manufacturing, or other proper purposes, or for protection against fire, and said board shall ascertain the probable amount of money necessary to carry the same into effect; it shall have power to contract for, purchase and take by deed, or other instrument under seal, in the name of said city, all lands, streams, water, water rights, or other property, real or personal, or rights therein, situate at any place in the county of Niagara, which may be required for the purpose, and also the right to lay, relay, and maintain pipes through lands, and to take, detain or divert water or streams of water which may be

required for the purpose without taking the fee of the lands through which the pipes are laid or over which such streams or water flow, and to contract for the execution of the work or any part thereof, or the supply of any necessary material; and in case it shall at any time be deemed necessary by the said board of public works for the purpose of enlarging improving or perfecting the supply of water undertaken to be provided pursuant to said act, or the source, means or mode of supply, to acquire any additional lands, streams, water or water rights, or other property, real or personal, or rights therein, said board shall have power to contract for or purchase or acquire the same, and also the right to lay, relay, and maintain pipes through lands, and to take, detain or divert water or streams of water which may be deemed necessary by the said board, without taking the fee of the lands through which the pipes are laid, or over which such streams or water flow, in the like name and manner and with like effect as is provided by this title, for taking or acquiring any such property or rights in the first instance; and the said board of public works, its servants and agents, are authorized to enter upon any lands, streams or water for the purpose of making surveys, and to agree with the owner of any such property or right which may be deemed necessary for the purposes of this act, as to the amount of compensation to be paid such owner, subject to a revision by the court, upon the application of any three taxable inhabitants of the city.

§ 16. Same; preliminary proceedings.—Before entering upon, detaining, taking, diverting or using any lands, streams or water, or rights therein, for the purposes herein set forth in sections fourteen and fifteen of this title, said board of public works shall cause a survey and map to be made of the lands, water or streams intended to be taken, diverted or affected, or in which a right is intended to be taken for any of said purposes, on which map the lands, streams or water of each owner or occupant shall be designated, and which map shall be signed by the president of said board of public works and its secretary, and shall be filed in the office of the county clerk of the county in which said lands, streams or water are situated; said board shall also, in all cases, by an order made by it, and signed by its president and secretary to be attached to and filed with said

map, describe the lands, streams or water, and the title and interest therein, which it intends to acquire for the purposes of such improvement. Any map and order heretofore or hereafter filed under the provisions of this act, may be amended in the discretion of the board of public works, at any time before the appointment of commissioners of appraisal as in the next section provided, by filing in the said county clerk's office a new or further map and order conforming in all respects to the requirements of this section, together with a notice, signed by the president and secretary of said board, that the said map and order then on file have been amended, and thereupon the said new and further map and order shall have the force and effect of the map and order so amended, and the map and order last named shall be deemed withdrawn, except so far as they relate to proceedings and acts already had and done. Whenever said board of public works shall deem it necessary to take, detain or divert any additional lands, streams or water, or rights therein, it shall make, or cause to be made, and filed a like map and order, in the same place, and authenticated in the same manner as is required in taking like property or rights in the first instance, showing and describing such additional lands, streams or water, and the rights, title and interest therein, intended to be taken; at any time within one year after the filing of any such map and order or amended map and order, said board of public works may take possession of such lands, streams or water, or of the right, title or interest therein intended to be taken, as specified in said order or amended order, or of any part thereof, and use the same for the purposes of such improvement, without any suit or proceedings at law; provided, however, that within the time last aforesaid said board shall, if it does not agree with the owner or owners thereof as to the compensation to be paid therefor, commence proceedings as provided in the next section, to acquire such title; and the credit of the city, for the benefit of which said improvement is undertaken, shall be, and hereby is, pledged for the payment of the compensation for the property so taken.

§ 17. Same; condemnation proceedings.—Whenever any such board of public works is unable to acquire by agreement any lands, streams, water or other property, or the right, title or interest, if any, less than a fee in land, or the right to use and

divert any water or streams required or deemed necessary for the purposes of supplying said city or its inhabitants with water, or extending its system of water-works or supply of water, it shall have the power to acquire the same in the manner and by the proceedings prescribed in the following subdivisions:

1. Said board of public works for the purpose of acquiring the lands, streams, water, or other property, or right, title or interest if any, less than a fee in land, or the right to use and divert any water or streams, which may be deemed necessary by it, shall present a petition to the supreme court at any special term thereof held in the judicial district in which the property described in the petition is situate, praying for the appointment of commissioners of appraisal; such petition shall be signed and verified by the president or a member of said board, and shall describe the lands, water, streams or other property, and the right, title or interest, if any, less than a fee in land, and the right to use and divert any water or streams which said board desires to acquire, and shall give the names and places of residence of the owners and occupants thereof, so far as the same are known to said board of public works, and must state in effect that such board of public works has duly organized, and entered upon the discharge of its duties, and that the right to appropriate, use and occupy the lands, streams or water or other property, or the right, title or interest therein mentioned and described in said petition is necessary for the purposes of the proposed improvement, and that such board of public works has not been able to acquire the lands, streams, water or other property, or the right, title or interest therein, required from the owner or owners thereof, or to agree with them in respect to the compensation to be paid therefor, and the reason of such inability. A copy of such petition with notice of the time and place the same will be presented to said court must be served on all owners and occupants of said lands, streams, water or other property, or the right, title or interest therein required, at least ten days prior to the presentation to said court of said petition.

2. If the person on whom such service is to be made resides in this state, and is not an infant, idiot, or person of unsound mind, and the place of such residence is known to said board of public works, such service shall be made personally or by leaving the

same at the usual place of residence of the person to be served with some person of suitable age.

3. If the person on whom such service is to be made resides out of the state, and has an agent residing in this state, known to said board of public works, and authorized to contract for the sale of such property so to be acquired, such service may be made on such agent in the manner prescribed by subdivision two, or in such other mode as the court may direct.

4. In all cases not herein provided for, service of notices, orders, and other papers in such proceedings may be made as such court or any judge thereof shall direct.

5. On presenting such petition to said court with proof of service of the same and of such notice as hereinbefore provided, all persons so served, and all whom the court may permit to intervene, may show cause against granting the prayer of the petition and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against it, an order shall be made appointing three disinterested and competent persons, who reside in the county where such property or some part thereof is situate, and who shall be freeholders, as commissioners, to ascertain and appraise the compensation to be made to the owner or owners of the lands, streams, water or other property, or the right, title or interest therein sought to be acquired, and fix the time and place for the first meeting of such commissioners of appraisal.

6. The commissioners of appraisal shall take and subscribe an oath substantially as prescribed by article thirteen of the constitution of the state. They shall have power to call witnesses, examine them, and to adjourn the proceedings from time to time in their discretion. Whenever they meet, except by appointment of the court or pursuant to adjournment, they shall cause reasonable notice of such meeting to be given to the parties who have appeared on such appraisal or to their attorney. Any one of said commissioners may issue subpoenas for and administer the usual oath to the witnesses. They shall view the lands, streams, water or other property described in the petition, and hear the proofs and allegations of the parties, and after the testimony is closed, and without unnecessary delay, they shall meet, ascertain and determine the compensation which ought

justly to be made by the city to the party or parties owning the lands, streams, water or other property, or the right, title or interest therein, to be appraised by them; and in determining the amount of such compensation they shall not make any allowance or deduction on account of any real or supposed benefits which the owner or owners may derive from the proposed improvement. They, or the majority of them, shall also determine and certify what ought to be paid to any special guardian of any infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner not personally served with notice of the proceedings, and who has not appeared, for costs, expenses and counsel fees. They shall make a report to the supreme court, signed by them, or a majority of them, of the proceeding before them, and transmit therewith the minutes of the testimony, if any. Said commissioners of appraisal shall each be entitled to receive five dollars for their expenses and services for each day they are necessarily engaged in such duties, to be paid by the city.

7. On such report being made, the said board of public works shall give ten days' notice in writing to the parties who have appeared or to their attorneys, that at a special term of the supreme court, at a time and place designated in said notice, a motion will be made for the confirmation of said report, and the court may thereupon confirm such report and make an order reciting the substance of such proceedings and a description of the lands, streams, water or other property, or any right, title or interest therein which has been appraised in such proceeding, and directing to whom such compensation is to be paid, or where or in what manner it shall be deposited.

8. Such order or a certified copy thereof shall be filed and recorded in the office of the clerk of the county in which such property or some part thereof is situate, and thereupon and on payment or deposit of the sums to be paid as compensation as aforesaid, and for costs, expenses, and counsel fees, the city of North Tonawanda shall be entitled to hold and divert in perpetuity said lands, streams, water or other property, or the right, title or interest therein, so appraised for the purposes contemplated herein, and all rights of action by reason of such holding and diversion shall be forever barred. All lands, streams, water or other property, or any right, title, or interest

therein acquired for the purposes contemplated herein, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners of appraisal, either party may appeal, by notice in writing to the other, from the appraisal and report of the commissioners of appraisal to the appellate division of the supreme court held in the department in which such property is situate. Such appeal shall be brought on for argument, and be heard according to the rules and practice of said court in similar proceedings. On the hearing of such appeal, the court may affirm such report or direct a new appraisal before the same or new commissioners in its discretion, and the second hearing, determination and report shall be made in like manner as the first. The second report shall be final and conclusive upon all parties interested. If the amount of compensation to be paid by said city is increased by the second report, the difference shall be paid by said city to the persons entitled to the same, or shall be deposited as the court may direct. If the award has been paid and the amount thereof shall be diminished, the difference shall be refunded by the party who has received the same, and judgment therefore may be rendered by the court on the confirmation of said second report against the parties liable to refund the same, and in favor of the city, which judgment shall be docketed and enforced in the same manner as judgments in civil actions.

9. If there are adverse and conflicting claims to the money to be paid as compensation aforesaid, or any part thereof, the court may direct the money to be paid into court, and may determine who is entitled to the same and to whom the same shall be paid, and may, in its discretion, order a reference to ascertain and report the facts.

10. The court shall appoint some competent attorney to appear for and protect the rights of any unknown owner or of any owner whose residence is unknown, and who has not appeared in such proceedings. The court may, also, upon application, by or on behalf of any infant or person of unsound mind, who as owner or owners are interested in the lands, streams, water or other property, or the right, title or interest therein, to be acquired, or in default of such application, then at the time of the presentation of the petition, upon the application of the board of public works, appoint some suitable person as special

guardian of such infant or person of unsound mind, who shall appear and care for the interests of such infant or person of unsound mind. The court shall also have power at any time to amend any defect in any proceeding authorized by this act; or cause new parties to be added, or such further notice to be given to any party as may be deemed proper; the court shall also have the power to fill any vacancy in the office of commissioners of appraisal that may occur by death, refusal or neglect to serve. During the pendency of any appeal or proceeding for review, the court may, in its discretion, direct a stay of all proceedings for the collection of the award appealed from or sought to be reviewed.

§ 18. Perfecting title; injunctions.—Whenever it shall be found that the title to any such land, streams, water or other property, or the right, title or interest herein, taken or occupied and sought to be acquired by the said board of public works for any of the purposes set forth in section seventeen of this title is defective, said board may proceed to perfect such title in the same manner as if no appraisal had been made, and the supreme court, or any judge thereof, may in the meantime, on such terms as may be just, stay all actions or proceedings against the said board of public works and said city, their officers, servants and agents, on account of the use of the lands, streams, water or other property, or the right, title or interest therein, so used under such defective title.

§ 19. Use of streets and highways; sale of water.—The board of public works and all acting under its authority, shall have the right to use the ground or soil under any street or highway in the city or any highway or road within the county of Niagara for the purpose of introducing water into and through any and all portions of said city, and such rights shall be continuous for the purpose of repairing and relaying water pipes. Said board shall cause the surface of such highway to be restored to its usual condition. Said board of public works may sell to a corporation or individual outside of the city, the right to make connections with the mains for the purpose of drawing water therefrom, and fix the prices and conditions therefor; but the board shall not sell or permit the use of water under this section, if thereby the supply for the city or its inhabitants will be insufficient.

§ 20. **Water rents.**—The board of public works shall establish a scale of rents for the use of water, to be called “water rents,” and to be paid at such times as the board may prescribe, and may from time to time either modify, amend, increase or diminish such rents; such rents shall be a lien on the real property upon which the water is used.

§ 21. **Connecting pipes.**—Supply pipes connecting with mains and used by private owners or occupants shall be laid and kept in repair at the expense of such owner or occupant. Such pipes shall not be inserted or connected with the main pipe except by the permission and under the direction of the board of public works; nor until a permit therefor shall be obtained from said board or some person authorized by said board to grant such permit. Said board of public works or its authorized superintendent or agent may at any time enter a building or upon premises where water is used from supply pipes, and make necessary examinations.

§ 22. **Assessment for fire protection.**—A building and the lot upon which it stands, in or on which water from the water works is not used, situated within five hundred feet of a hydrant, may be assessed by the board of public works for fire protection. Notice of the proposed assessment, and that the board will meet at a time and place specified therein to hear objections thereto must be served upon the owner or occupant of the building at least ten days before such meeting. The board shall meet at the time and place specified in the notice, and after hearing objections shall complete such assessment. Upon the completion of the assessment, the board shall make a certificate thereto and deliver the same to the city treasurer. The city treasurer may receive such assessments for thirty days without fee; after that time an action may be brought to recover the assessment, or a special warrant may be issued therefor, or the amount may be included in the next annual tax levy.

§ 23. **Water rents; how applied.**—The entire annual receipts for water rents after deducting therefrom such sums as may be necessary to defray the expenses of repairs of said water works, and of extending the same, and other necessary expenses, shall be applied toward the payment of the interest on the outstanding water bonds, or other evidences of indebtedness incurred for the water system, and also toward the creation of a sinking

fund for the payment of the principal of said bonds as it shall from time to time become due and payable, which sinking fund shall be managed by said board of public works. No investments shall be made in behalf of such sinking fund, except in the bonds of the United States, of the state of New York, or of any city of this state, and in the bonds, certificates or other obligations heretofore or hereafter issued for the purchase, construction or extension of the water works system of the village or city of North Tonawanda, which last named bonds, certificates and obligations the board of public works may purchase at any time when it shall have funds applicable, at prices not exceeding their par value, and when so purchased said bonds, certificates and obligations shall not be reissued but shall be immediately canceled.

§ 24. Board may sue and defend.—The board of public works may sue, complain or defend in any court, in the name of the city, in any action to enforce any contract with said board, or to enforce any claim for damages, water rents, labor or supplies connected with the building or carrying on of the water works, by said board. The complaint or answer of the city in such actions shall be verified by the oath of some member of the board. The complaint in actions against the city in such cases shall be served on the board of public works, whose duty it shall be to defend in the name of the city. The damages and costs recovered by the city in such actions shall be paid to the city treasurer, to the credit of the water fund. The damages and costs against the city in such actions may be paid by the city treasurer from any funds in his hands not otherwise appropriated. The foregoing provisions of this section shall not apply to any actions now pending in the courts. All judgments against said board of public works, and judgments against any of the members thereof, where the transactions upon which the action was brought shall have been in the performance of their duties as such board of public works, shall not be enforced against the individual property of any of such members, but such claims on which such judgments shall have been obtained may be prosecuted against the city as provided by law.

§ 25. Board to establish rules and regulations for enforcing water rents.—The said board of public works shall have power from time to time, to make and establish such by-laws, rules and

regulations, not inconsistent with the laws of this state or of the United States, as it shall judge proper for enforcing the collection of water rents and manner of using water, and may provide regulations as to the use of water, and enforce the observance thereof by cutting off the use and supply of water, or by the imposition of penalties.

§ 26. **Annual report.**—On the first day of May in each year the board of public works shall file with the city clerk a report containing a statement of the following facts:

1. The amount of money on hand at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year, and the balance on hand.

3. The improvements and extensions made during such preceding year, and the general condition of the water works.

4. Such other facts as the board deems important for the information of the city, together with such recommendations concerning the department as may be deemed proper.

§ 27. **Tax for deficiency to pay interest.**—In case the estimated amount of the entire annual receipts for water rents after deducting therefrom such sums as may be necessary to defray the expenses of repairs of said water works, and of extending the same, and other necessary expenses shall in any year not be sufficient to pay the interest for that year upon the outstanding bonds or indebtedness for that year, said board of public works shall report the amount of such deficiency to the common council, which shall cause such amount to be assessed, levied and collected from the taxable property of said city at the time and in the same manner as other expenses of said city are assessed, levied and collected, which sum so raised shall be applied to the payment of such interest.

§ 47. The heading of title twenty-two of said act, immediately after the words, "Title twenty-two; fire department," is hereby amended to read as follows:

Section 1. How constituted.

2. Fire department.

3. Powers and duties.

4. Control of property.

5. Annual estimate and report.

Section 48. Section one of title twenty-two of said act is hereby amended to read as follows:

§ 1. **How constituted.**—The board of fire commissioners of the city shall be composed of the fire commissioners, who shall receive no compensation for their services. The board shall elect one of its members as its president, who shall be its presiding officer, and one of its members as its secretary.

§ 49. Said title twenty-two is hereby further amended by adding thereto new sections, to be known as sections two, three, four and five, to read as follows:

§ 2. **Fire department.**—There shall be a fire department in such city, to consist of a chief engineer, a first assistant engineer and a second assistant engineer, who shall hold office for one year, and until their successors are appointed, and a competent number of able-bodied men, citizens of the United States, inhabitants of said city, to be organized into companies with the approval of the fire commissioners. Vacancies in any company shall be filled by the board of fire commissioners upon the nomination of the company.

§ 3. **Powers and duties.**—The said board shall appoint the chief engineer, first assistant engineer and second assistant engineer, and members of the fire department within the city and may remove any person so appointed, after notice and an opportunity to be heard in his defense, in person or by counsel. The said board shall allow the chief engineer an annual salary of not exceeding two hundred and fifty dollars, as a compensation for his services. Said board may also allow the first assistant engineer an annual salary of not exceeding fifty dollars for his services. Said board shall establish rules, regulations and ordinances for the protection, and preservation of property and apparatus of the department, for the prevention of danger from fires, for the appointment, discharge and dismissal of officers or members, for the hearing and trial of complaints, the settlement of disputes, and for the government and discipline of the fire department, and may impose reasonable penalties for a violation thereof. It may inquire into the cause and origin of fires occurring in the city, and may take testimony in relation thereto. It may prescribe the powers and duties of the chief engineer, the first assistant engineer, and second assistant engi-

neer, and of the city firemen, and shall have power to disband or consolidate companies in its discretion.

§ 4. **Control of property.**—The said board shall have the care, custody and control of all property now owned or hereafter acquired by the city, in the possession of the fire department. It may purchase fire engines, hose, hose-carts, horses, tools, implements, and apparatus suitable and necessary to prevent and extinguish fires within the city, and to keep the same in good repair.

§ 5. **Annual estimate and report.**—The said board shall before the first day of January in each year, prepare an estimate of the cost of maintaining the fire department for the ensuing year, and certify the same to the common council, and the amount fixed by the common council shall be included in the annual tax levy for the current year. Each annual estimate shall include any surplus of the previous year fire department fund unexpended. Said board shall report to the common council annually, a detailed statement of all moneys received and disbursed by them.

§ 50. Section one of title twenty-four of said act is hereby amended to read as follows:

§ 1. **How constituted.**—The board of health shall be constituted in such manner, possess such power and authority, and perform such duties as shall be prescribed by law. It shall have power to make provision whereby all garbage, ashes and other refuse of the citizens within prescribed limits shall be gathered and removed. It shall designate a district in the populous portion of the city within which it will gather and remove all garbage, ashes, or other refuse, and may, from time to time, increase or decrease the limits of said district, or it may require every occupant of any house, store, apartment or room, to place garbage, ashes or other refuse where the same may be readily gathered for removal under such reasonable rules and regulations as the said department may adopt.

§ 51. Section seven of title twenty-five of said act is hereby amended to read as follows:

§ 7. **Sewer and water connections.**—The board of public works shall also, at any time before any such pavement is laid in front of any lot or parcel of land, cause service water pipes to be laid in front of such lot or parcel of land fronting on such street,

alley, public place or portion thereof, in such manner and at such distances apart as it may deem necessary; it shall by resolution, require the owners or occupants of such lots or parcels of land fronting on any street, alley or public place, or portion thereof, which the common council have directed to be paved, to cause to be made connections with the sewer in front of such lot or parcel of land, fronting on such street, alley, public place or portion thereof, within such time, in such manner, with such kind and quality of materials, and such distances apart, as said board of public works may deem necessary. The board of public works shall thereupon cause a copy of such resolution to be published once a week for two weeks in the official newspaper of the city, and shall cause a copy thereof to be served personally upon the reputed owner or owners, occupant or occupants of each of said lots or parcels of land, and in case any such owner or owners, occupant or occupants shall neglect or refuse to cause such connections to be made in the manner, at such distances apart, and within the time and of such materials specified in said resolution, then the said board of public works may cause said connections to be made, and the cost and expense of making such connections in front of each lot or parcel of land shall be by them assessed upon such lot or parcel of land in the manner as hereafter provided.

§ 52. Section eight of title twenty-five of said act is hereby amended to read as follows:

§ 8. Gas connections.—Before any pavement is laid in any street, alley or public place in said city, the board of public works shall also give notice in writing to any and all gas companies having mains already laid in any street, alley or public place, or in any part thereof, which the common council have directed to be paved, to lay their respective service pipes in such street, alley or public place, in such manner and at such distances apart as the board of public works may require; and in case any such company or companies shall neglect or refuse to comply with such notice within such reasonable time as may be required by the board of public works, the board of public works may cause such service pipes to be laid, and the expense thereof shall be by them audited, and when audited, shall become and be a lien upon all property and franchises of said company or companies situate within the

said city, from the time the improvement shall have been ordered, which lien may be enforced by an action at law against said company or companies for the recovery of the amount of such expense, with the costs of the action, and by the sale of the property upon any execution which may be issued upon a judgment recovered therefor.

§ 53. Section ten of title twenty-five of said act is hereby amended to read as follows:

§ 10. Sewer and water assessments.—When sewers and service water pipes shall have been made or completed by the city, in accordance with the provisions of this title, the actual expense of such additional improvement shall be assessed by the board of public works upon the lots or parcels of land, respectively, in front of which such improvements shall have been made, in the name of the reputed owner or owners, occupant or occupants thereof, and shall be added to and included in the assessment against such lot or parcel of land for the paving of said street, alley or public place.

§ 54. Section eleven of title twenty-five of said act is hereby amended to read as follows:

§ 11. Lien of assessment.—The assessment authorized by this title shall, without unnecessary delay, be subjected to review in all respects as city assessments are subjected to review. If the proper notices are given as required by law, and no objections are made, the assessment-roll shall become and be final and conclusive by the acquiescence of the parties concerned. All objection which may be made pursuant to said notices, the said board of public works shall consider and determine upon, and may affirm or reverse said roll, or amend the same, or correct any error therein, or annul the same, and proceed anew, and when said board of public works shall have confirmed said assessment-roll it shall become and be final and conclusive upon all parties concerned. When such assessment-roll shall have become confirmed or final as aforesaid, it shall be delivered to the city treasurer, and the sums therein assessed upon the several parcels of land therein specified, together with the interest thereon, as it accrues, shall become and be a lien and charge upon the said lots or parcels of land respectively, from the time such improvement shall have been ordered, superior to all other liens, rights, titles, or estate therein. In case any assessment shall remain unpaid on account of any irregularity,

omission or error in any assessment authorized in this act, or the laws in force when such tax was levied, or in case of error in the description of lands, or in the description of the owner or occupants, the board of public works may, in its discretion, or upon the application of any person interested, proceed to correct such irregularity, omission, or error, or cancel, remit, or commute such tax or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the board of public works are hereby authorized and empowered to make such reassessments, upon giving three weeks personal written notice thereof, to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city treasurer to correct any irregularity, omission or error, and such reassessment or correction shall have the same affect as if said assessment had been properly made.

§ 55. Section thirteen of title twenty-five is hereby amended to read as follows:

§ 13. Sale of lands for unpaid assessment.—When default shall be made in payment of any, or any part of any of the assessments made as herein provided, or heretofore made in said city, after the same shall have become due, the city treasurer shall cause to be advertised the lot or parcel of land, from which the same is payable, for sale, and sell the same at public auction without credit, to the highest bidder. He shall thereupon, on receiving the amount of the total tax or assessment, interest, fees and expenses of sale, make and deliver to such bidder a certificate describing the lands sold, and the amount bid, and the sum paid thereon, and that at the expiration of one year from the day of sale the bidder, or his assigns, shall be entitled to a conveyance of the lands sold or to have his money returned with ten per centum interest thereon, upon the payment of the remainder of the bid, if the bid be more than the sum paid as aforesaid. During said year any person interested in such lands so sold may redeem the same from the sale by paying to the city the full amount of the assessment against said lands and interest as aforesaid, and all costs, fees and expenses of the sale, the interest to be computed to one year from the day of sale. If the lands are not redeemed within a year, the city treasurer shall cause to be made a conveyance of such parcel of land, in fee simple, to

the purchaser at such sale, in the name of the city, the same to be executed in the same manner as other city conveyances are directed by law to be made; and thereupon the city shall be bound to the grantee and his successors in title as grantor of said lands with implied covenants of warranty and seizin. Such deed shall briefly recite the proceedings in ordering the improvement, and the making of such assessment, and shall be conclusive evidence that the proceedings were regular and valid. The city treasurer shall cause to be given public notice of the sale by publication of the notice, containing a description of the lands to be sold, a reference to the making of the local assessment and the default in the payment thereof, and specifying the time and place of sale, in a newspaper published in said city at least once in each of the six weeks immediately preceding the day of sale, and by posting such notice of sale in at least three public places in said city, one of which shall be upon the lot or parcel of land to be sold, at least forty-two days before the day of sale.

§ 56. Section sixteen of title twenty-five of said act is hereby amended to read as follows:

§ 16. Application of certain provisions of act.—The provisions of this title shall apply to all former assessments heretofore made or levied by the village of North Tonawanda under any former act relating to the paving of streets, and to all collections and sales thereunder, and except as otherwise expressly provided by this title, the provisions of title nineteen of this act shall apply to all such assessments thereunder made after this act takes effect.

§ 57. Section nine of title twenty-seven of said act is hereby amended to read as follows:

§ 9. The civil and fiscal year.—The civil and fiscal year, under the provisions of this act, shall commence on the first day of January in each and every year.

§ 58. Section ten of title twenty-seven of said act is hereby amended to read as follows:

§ 10. City officers authorized to administer oaths.—Each mayor, clerk, city judge, treasurer and commissioner of deeds of the city shall have the same power and authority to administer oaths and take and certify affidavits as a justice of the peace of the city.

§ 59. Said title twenty-seven of said act is hereby further amended by adding thereto a new section to be known as section fifteen and to read as follows:

§ 15. Removal of snow and ice from sidewalks.—Every owner or occupant of any village lot or parcel of land adjoining any street or public place in the city of North Tonawanda, along or across which there shall be a sidewalk, shall before nine o'clock in the morning of each day, remove or cause to be removed, any snow and ice which may have fallen or accumulated on such sidewalk in front of or along any such lot, land or premises; and in case of neglect or refusal so to do, the city superintendent of public works may forthwith remove the same, and the expense thereof shall be a lien upon said premises. The city superintendent of public works shall then give notice of the expense of such work to the owner requiring the payment thereof to the city treasurer within ten days after the service of such notice. Written notice thereof shall be served upon the owner personally, or inclosed in a postpaid wrapper and deposited in the post office addressed to such owner at his last known post office address. If such expense be not paid to the city treasurer within the time prescribed therefor, the city superintendent of public works shall, on or before the first day of April in each year, unless such expense has been paid, file his affidavit of such expense with the city clerk who shall deliver the same to the assessors on or before the first day of June in each year, and the same, together with interest thereon at the rate of twelve per centum per annum from the date of filing such affidavit added thereto, shall thereupon be assessed by the assessors upon the premises in front of or along which such sidewalk is situated, at the same time as the annual tax assessment is made by the said assessors, and included in said annual tax assessment roll and collected in the same manner as the city taxes are collected, with interest thereon at the rate of twelve per centum per annum from the date of such assessment.

§ 60. Subdivision one of section one of title eighteen of said act is hereby amended to read as follows:

1. For the principal and interest of the bonded municipal debt the sum actually falling due within the ensuing year.

§ 61. This act shall take effect immediately.

Chap. 71.

AN ACT to amend the forest, fish and game law in relation to traps and light for the taking of deer.

Became a law, February 28, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section six of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 6. **Traps and lights.**—No traps, salt lick, or other device to entrap or entice deer shall be made, set or used, nor shall deer be taken by aid or use thereof. No jack light or other artificial light shall be used in taking deer.

§ 2. This act shall take effect immediately.

Chap. 72.

AN ACT to provide for the payment and assessment of certain improvement in the village of Frankfort.

Became a law, February 28, 1902, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Determina-
tion of cost
of improve-
ment.

Section 1. Within four months after this act takes effect, the board of trustees of the village of Frankfort may, at any regular meeting or special meeting thereof regularly called, by resolution fix and determine the total cost to said village of the widening of East Main street in said village, from Litchfield street in said village to the eastern boundary of said village, which cost shall not exceed the sum of nine thousand dollars, and direct the assessment of the cost so determined upon the property, real and personal, assessable in said village. Said assessment may, by such or subsequent resolution duly adopted by said board, be made payable in annual installments not to exceed ten, with interest, at a rate not to exceed six per centum, to be fixed in such resolution; and the amount of such annual installment or assessment, including such interest, as the same

shall be so fixed by the trustees, shall be added to and included in the annual budget of expenses for that year, and levied and raised as a part of the general tax of that year.

§ 2. The board of trustees of said village of Frankfort are hereby empowered to issue certificates of indebtedness in anticipation of the assessments made under this act, said certificates of indebtedness to bear interest at a rate not to exceed six per centum per annum, and to be fixed by the resolution mentioned in section one herein.

Issue of certificate of indebtedness.

Interest.

§ 3. No assessment or tax hereafter assessed, made, or levied, nor any issue of certificates of indebtedness made under and by virtue of this act, shall be, in any manner impaired or rendered illegal, invalid or uncollectible because of any omission, default or irregularity, preceding, attending or subsequent to the widening of said street.

§ 4. This act shall take effect immediately.

Chap. 73.

AN ACT relating to rural cemetery associations, in counties of the state having a certain population.

Became a law, February 28, 1902, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall not be lawful for any rural cemetery corporation to hereafter acquire or take by deed, devise or otherwise, any land in any county within the state of New York, having a population of between one hundred and seventy-five thousand and two hundred thousand, according to the federal census of nineteen hundred, or set apart any ground for cemetery purposes therein, where there has already been set apart in any such county, five hundred acres of land for rural cemetery purposes, and the consent of the board of supervisors of any such county shall not be granted where there has already been granted five hundred acres of land, or upwards, within such county, to rural cemetery corporations.

§ 2. But nothing herein contained shall affect any lawful consent or grant hitherto made by the board of supervisors of any such county.

§ 3. All acts, or parts of acts, inconsistent with this act, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 74.

AN ACT to release and confirm to the Hudson iron company, its successors, grantees and assigns, the title of the people of the state of New York, of, in and to certain lands under the waters of the Hudson river, in the South bay in the city of Hudson, Columbia county, New York, and to repeal section five, of chapter one hundred and ninety-five of the laws of eighteen hundred and fifty-five, entitled "An act to release and confirm the title to certain lands under water in the South bay in the city of Hudson, in the several corporations and persons therein named" and to repeal chapter one hundred and sixty-seven of the laws of eighteen hundred and sixty-one, entitled "An act to amend an act passed April nine, eighteen hundred and fifty-five, and entitled 'An act to release and confirm the title to certain lands under water in the South bay in the city of Hudson, in the several corporations and persons therein named and for other purposes.'"

Became a law, March 4, 1902, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the right, title and interest of the people of the state of New York, in and to the lands under the waters of the Hudson river in the South bay, in the city of Hudson, Columbia county, New York, released and confirmed to the Hudson iron company, by chapter one hundred and ninety-five of the laws of eighteen hundred and fifty-five, together with any and all easements and reservations, reserved to the people of the state of New York, by section five of said chapter one hundred and ninety-five of the laws of eighteen hundred and fifty-five, as altered and amended by chapter one hundred and sixty-seven of the laws of eighteen hundred and sixty-one, are hereby released and confirmed to the Hudson iron company, its successors, grantees and assigns.

Lands
under
water re-
leased.

§ 2. Section five of chapter one hundred and ninety-five of the laws of eighteen hundred and fifty-five, entitled "An act to release and confirm the title to certain lands under water in the South bay in the city of Hudson, in the several corporations and persons therein named," and chapter one hundred and sixty-seven of the laws of eighteen hundred and sixty-one, entitled "An act to amend an act passed April nine, eighteen hundred and fifty-five, entitled 'An act to release and confirm the title to certain lands under water in the South bay in the city of Hudson in the several corporations and persons therein named and for other purposes,' " are hereby repealed. ^{Acts repealed.}

§ 3. This act shall take effect immediately.

Chap. 75.

AN ACT to amend the highway law, relative to the inspection of highways by commissioners of highways, and the reports of such commissioners and of the overseers of highways.

Became a law, March 4, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section four of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter four hundred and thirty-seven of the laws of nineteen hundred and one, is hereby amended to read as follows:

1. Cause such highways and bridges to be kept in repair, and give the necessary directions therefor, and shall inspect the highways and bridges in each highway district between the first and fifteenth day of September in each year, or at such other time as the board of supervisors by resolution may prescribe. If it appears to him upon such inspection that the labor assessed in any highway district has not been entirely performed therein, he shall transmit a statement to the supervisor of his town containing the number of days' labor which in his opinion have not been performed in such district, and a list of all persons and corporations owning property therein, and the number of

days of labor still to be performed by such persons and corporations. A notice of the transmission of such statement and of the day and place where the persons assessed for highway labor in such district may be heard before such supervisor, shall be posted in at least three conspicuous places in the road district affected by such statement. On the day and at the place specified in such notice, the supervisor shall hear all persons interested in the performance of labor on the highways in such district. After such hearing, the supervisor shall correct such list in accordance with the testimony and facts as they appear to him and shall make a return thereof to the board of supervisors in the same manner as unpaid taxes and unperformed labor are returned by the town board to the board of supervisors. The board of supervisors at its annual meeting in each year, shall cause the amount of the arrearages for highway labor contained in such lists, estimating each day's labor at one dollar and fifty cents a day, to be collected from the property of the person or corporation specified in such list, in the same manner as arrearages for unperformed labor.

§ 2. Section sixty-six of such act as amended by chapter three hundred and fifty of the laws of eighteen hundred and ninety-eight, and chapter four hundred and thirty-seven of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 66. **Assessment for unperformed labor.**—Every overseer of highways shall on or before September first of each year, or at such other time as the board of supervisors may by resolution prescribe, make out and deliver to the commissioner of highways of his town, a list of all persons and corporations who have not worked out, or commuted for their highway assessment, with the number of days not worked or commuted for by each, charging for each day in such a list, at the rate of one dollar and fifty cents per day; and also a list of all the lands of nonresidents and persons unknown, which were assessed on his warrant by the commissioners of highways, or added by him, on which the labor assessed has not been performed or commuted for, and the number of days' labor unpaid by each, charging for the same at the rate of one dollar and fifty cents per day, which list shall be accompanied by the affidavit of the overseer, that he has given the notice required, to appear and work, and that the labor specified in the list returned has not

been performed or commuted, and it shall be the duty of the commissioner of highways to collect and present such lists to the town board of his town at the meeting held on the Thursday next preceding the annual meeting of the board of supervisors. The town board shall certify the amount of unpaid taxes so returned to them by the commissioner of highways to the board of supervisors.

§ 3. This act shall take effect immediately.

Chap. 76.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego", and to authorize the city of Oswego to purchase the water plant and the property and rights pertaining thereto to furnish a supply of water, from the Oswego water works company, and to issue bonds therefor and to provide for payment of the same.

Passed without the acceptance of the city.

Became a law, March 4, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five is hereby amended by adding after section fifty-seven a new section numbered section fifty-seven-a, which shall read as follows:

Charter amended.

§ 57-a. The city of Oswego is hereby fully authorized and empowered, acting by the mayor and city chamberlain thereof, to purchase the water plant in said city now owned by the Oswego water works company, and the property and rights pertaining thereto to furnish a supply of water for said city, and its inhabitants, from said Oswego water works company, and to pay as the consideration for such purchase a sum not exceeding five hundred and fifty thousand dollars, and by its said mayor and city chamberlain to issue its bonds to an amount not exceeding said sum for the purpose of raising the money necessary therefor, said bonds to be signed by said mayor and city chamberlain. The term of payment of said bonds shall not exceed twenty

Authority to purchase water plant.

Issue bonds.

Interest.

Applica-
tion of
revenues.

Power to
raise money
for pay-
ment of
bonds and
interest.

years from the date of issue thereof, with interest thereon payable semi-annually at the rate of three and one-half per centum per annum. Said bonds shall be made payable in twenty equal annual payments of the principal with semi-annual interest as aforesaid from the date of issue thereof. The common council of said city shall provide a sinking fund, on the issuing of said bonds, for their redemption, and as soon as said mayor and city chamberlain shall certify to said body that said bonds are ready to be issued, and the net revenues to the city of Oswego from said water works shall each year be paid into and become a part of such sinking fund, and be applied to the payment of the principal and interest of said bonds. Said city of Oswego, in addition to said net revenues, shall raise annually such sum as shall be necessary to make such annual payments of principal and interest as aforesaid as the same become due. Said city in addition to the power which it now possesses to raise money for all other purposes by taxation, shall have power to raise by a general tax annually and it shall be the duty of the common council of said city to levy and raise annually upon the real and personal property assessed for taxation in said city, and as a part of the general tax levy, such sum as may be necessary to provide for the payment of said bonds and interest, as aforesaid, and the city chamberlain is hereby required to make said payments of principal and interest on said bonds as the same become due. Section five of the general municipal law shall not apply to the issuance of said bonds.

§ 2. This act shall take effect immediately.

Chap. 77.

AN ACT to amend the forest, fish and game law, relative to a license for non-residents for taking fish or game in this state.

Became a law, March 4, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section eighty-nine of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the

forests, fish and game of the state, constituting chapter thirty-one of the general laws " is hereby amended to read as follows:

§ 89. **Non-residents.**—On fresh water forming a part of the state boundaries or through which the state boundary runs, no non-resident of the state shall take any kind of fish or game in that part thereof within this state unless residents of this state may lawfully take the same kind of fish or game in such part of said waters as are not within the state, during the open season therefor in the state or country in which such waters are situated. If any license fee to take such fish or game in waters not in this state, be required of a resident of this state a non-resident may take the same kind of fish or game in such waters within the state, if a license so to do shall have been first obtained from the commissioner. Nor shall any non-resident not the owner of real estate in this state and against whose real estate there are no delinquent taxes, take fish or game in this state except on a like license if there is any discrimination by requiring a license or otherwise in the state or country where such non-resident resides against residents of New York in taking fish or game in such state or country.

§ 2. This act shall take effect immediately.

Chap. 78.

AN ACT to amend chapter three hundred and twenty-six of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of associations for lending money on personal property, and to forbid certain loans of money, property or credit," relative to reports by such associations, et cetera.

Became a law, March 4, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and twenty-six of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of associations for lending money on personal property, and to forbid certain loans of money, property or credit," as amended by chapter seven Act amended.

hundred and six of the laws of eighteen hundred and ninety-five and chapter two hundred and six of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

Incorporation of associations.

Certificate and bond to be filed.

License.

§ 1. In any county of this state containing or which is contained in a city of more than twenty-five thousand inhabitants, according to the last enumeration taken by the state, except the counties of Monroe and Westchester, any five or more persons may organize and become a corporation for the purpose of aiding such persons as shall be deemed in need of pecuniary assistance, by loans of money at interest, not exceeding two hundred dollars to any one person, upon a pledge or mortgage of personal property, by making, signing, acknowledging and filing a certificate in the form prescribed by the business corporation law. Before transacting any business the said corporation shall execute and file a bond in an amount equal to one-tenth of its capital stock, but not less than the sum of five thousand dollars, with the superintendent of banks, to be approved by him, for the faithful observance of all general provisions of law regulating business corporations within the state of New York, and the provisions of this act. Said bond shall be executed by a domestic or foreign corporation authorized by the superintendent of insurance to transact within this state the business of surety insurance as surety. At the time of filing such bond such corporation shall also file with the superintendent of banks a certified copy of its certificate of incorporation. Upon the filing of such certified copy of the certificate of incorporation, and the filing and approval of the bond hereinbefore provided for, the superintendent of banks shall issue to the corporation a license to transact business under this act, which license shall terminate on the thirty-first day of March in the following calendar year. This act shall not apply to the counties of Monroe and Westchester.

§ 2. Sections two, three, four and five of said chapter three hundred and twenty-six are hereby amended to read respectively, as follows:

Renewal of bond.

§ 2. Said bond shall be renewed and refilled annually, in January of each year, and shall be approved by the superintendent of banks, and a new license issued on or before the first day of March; or the corporation shall, within thirty days thereafter, cease doing business and proceedings for a dissolution shall be

instituted by the attorney-general at the request of the superintendent of banks. Every such corporation shall also in January of each year make a report for the previous calendar year to the superintendent of banks, giving such information as he shall require, which report shall be verified by the oath of the president or secretary; and it shall make such other and further reports, under the like oath, as the said superintendent shall demand at any time. The superintendent of banks shall cause every such corporation to be examined at least once in each year, and may cause it to be examined as often as he deems it necessary; and the examiners appointed by him shall be given free access to all books, papers, securities, and other sources of information in respect to the said corporation; for which examination a reasonable charge shall be imposed by the superintendent and paid by the said corporation within twenty days after notice of the charge shall have been mailed to the corporation at the last address given by it. If any such corporation shall knowingly violate any of the provisions or restrictions of this act, the said bond shall be forfeited and shall be collected by suit by the superintendent of banks, in the name of the people of the state, which suit shall be conducted by the attorney-general; and a reward of two hundred and fifty dollars shall be paid by the state to the person first giving information and furnishing legal proof of such violation. Corporations organized under the provisions of this act shall be subject to the supervision of the superintendent of banks; and the general provisions relative to the supervision of moneyed corporations contained in article one of the banking law shall be applicable to them in so far as they are not inconsistent with the provisions of this act. All expenses incurred by the superintendent of banks in preparing and furnishing suitable blanks, stationery, and forms, in preparing and keeping suitable records, for clerical service, and such other expenses as may be incident to such supervision, shall be paid by said corporations in such proportions as the superintendent may deem just and reasonable. The expenses incurred and services performed on account of any such corporation shall be charged to and paid by the corporation for whom they were incurred or performed. All moneys received by him in payment of such

Annual
report.Annual
examina-
tion.Forfeiture
of bond.

Reward.

Expenses of
super-
vision.

charges shall be deposited and paid by him into the treasury of the state to reimburse all sums advanced from the treasury for such expenses. If any such corporation shall fail to pay such charges as herein required, including charges for examination, the superintendent shall report to the attorney-general the failure of any such corporation to pay such charges, and the attorney-general shall thereupon bring an action in the name of the people for the recovery of such charges. All such charges, including the charges made for examination, shall be a preferred claim against the assets of any such corporation upon its dissolution, or upon its making a general assignment for the benefit of creditors. If it shall appear to the superintendent of banks, from any examination or report, that the capital stock of any such corporation is impaired; or that it has violated its charter or any law of this state; or is conducting its business in an oppressive or unauthorized manner; or is by payment of excessive salaries, excessive rents, or any other means, attempting to evade the provisions of this act relative to a reduction in the rate of interest which such a corporation may legally charge, he may, by an order made over his hand and official seal, direct any such corporation to make good such impairment of capital; or to discontinue the illegal, oppressive or unauthorized methods and practices mentioned in said order; or to discontinue the payment of the excessive salaries, rents, or other expenses, by means of which an attempt to evade the provisions of this act is apparent. If any such corporation shall not comply with such order within twenty days after the same shall have been mailed to the last address filed by such corporation in the banking department, the superintendent shall communicate the facts to the attorney-general, who shall thereupon commence an action for the dissolution of the corporation; and the corporation shall upon proof of failure to comply with such order be dissolved and a permanent receiver therefor appointed.

Charges to be preferred claim against assets.

Order.

Penalty for non-compliance with order.

General powers and duties.

Powers as pawn-broker.

§ 3. Every such corporation shall have the general powers of a business corporation, as provided by law, and shall be subject to all the duties, obligations and restrictions of a business corporation, so far as applicable thereto, and shall have the following additional powers: It shall be entitled to act as pawn-broker within such county, and shall be subject to and entitled to all the benefits and provisions of the laws of the state, and

of all ordinances of the city in which it is located, concerning pawnbrokers; except that it shall not be required to obtain a license or file any bond other than that provided for in the first section of this act. And it may lend money to such persons, within such county, as shall be deemed by it in need of pecuniary assistance, and may take as security for the payment of any such loan either a pledge or a mortgage of any personal property without the actual delivery to it of the property pledged or mortgaged, together with other lawful securities. It shall be entitled to charge and receive upon each loan made by it without the actual delivery to it of the property pledged or mortgaged, which charge shall include all services of every character, in connection with said loan, except upon the foreclosure of the security, interest or discount at a rate not exceeding two per centum per month. It may also charge for the first examination of the property to be pledged or mortgaged, and for drawing and filing the necessary papers, and for all other expenses, a sum not exceeding two dollars if a loan of more than fifty dollars shall actually be made, and a sum not exceeding one dollar if a loan of fifty dollars, or less, shall actually be made; but no further charge for examination of the property, or for drawing or filing papers, or for any services or expenses, or upon any pretext whatsoever, beyond the said charge for interest or discount, shall be made upon any renewal or extension of the loan, or any transfer or change of the loan, or upon any other occasion, within one year from the date of the original loan, or oftener than once in each period of twelve months thereafter. No loan greater than two hundred dollars shall be made under the authority of this section, nor shall any one person owe any such corporation more than two hundred dollars for principal at one time.

Rate of
interest on
loans.

Fee for
examining
property,
etc.

Restriction
on loans.

§ 4. No such corporation shall, in any year, declare or pay dividends on its capital stock amounting to more than ten per centum. The superintendent of banks upon ascertaining that any such corporation has, during the previous calendar year, made a net profit amounting to more than ten per centum on its capital, shall have authority, after ten days' notice to the corporation, to make an order reducing the rates of interest, discount and charges which such corpora-

Dividends.

Reduction
of rates,
etc., on
loans.

tion may lawfully charge or receive upon loans, to such sums as will, in his judgment, produce a net return of ten per centum on its capital stock. Any order made under this section shall take effect at such time, not less than one month after it is made, as the order shall name, and shall remain in force until revoked. Except in the city of New York, no such corporation shall make any loan in any other county than that in which its principal business office is located, nor take securities upon property located in any other county.

Certain
loans of
money,
property or
credit, pro-
hibited.

§ 5. In any such county no person or corporation, other than corporations organized pursuant to this act, shall, directly or indirectly, charge or receive any interest, discount or consideration greater than the legal rate of interest upon the loan, use or forbearance of money, goods or things in action less than two hundred dollars in amount or value, or upon the loan, use or sale of personal credit in any wise, where there is taken for such loan, use or sale of personal credit any security upon any household furniture, apparatus or appliances, sewing machine, plate or silverware in actual use, tools or implements of trade, wearing apparel or jewelry. The foregoing prohibition shall apply to any person who, as security for any such loan, use or forbearance of money, or for any such loan, use or sale of personal credit as aforesaid, makes a pretended purchase of property from any person and permits the owner or pledgor to retain the possession thereof, or who, by any device or pretense of charging for his services or otherwise, seeks to obtain a larger compensation in any case hereinbefore provided for. Any person, and the several officers of any corporation, who shall violate the foregoing prohibition, shall be guilty of a misdemeanor, and upon proof of such fact the debt shall be discharged and the security shall be void. But this section shall not apply to licensed pawnbrokers, making loans upon the actual and permanent deposit of personal property as security; nor shall this section affect in any way the validity or legality of any loan of money or credit exceeding two hundred dollars in amount.

Violation of
prohibition.

Proviso as
to applica-
tion of act.

§ 3. This act shall take effect immediately.

Chap. 79.

AN ACT to legalize the bonds of union free school district number one of the town of Westfield, in the county of Chautauqua.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The proceedings of the special district meeting, held pursuant to the provisions of section ten of title eight of the consolidated school law, in union free school district number one of the town of Westfield, in the county of Chautauqua, on the twenty-sixth day of April, nineteen hundred and one, whereat a majority of the qualified voters of said district present and voting, did authorize the levying of a tax of thirty-five thousand dollars by installments upon the taxable property of said district for the purpose of purchasing a site and erecting a school building and boiler-house thereon, and purchasing a boiler and heating apparatus, and the proceedings of the board of education in advertising for bids and issuing the bonds of said district in pursuance of said vote, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity in the language, or the manner of taking the vote on the passage of the resolution directing said tax to be levied and collected by installments, advertising for the sale of said bonds or otherwise; and the bonds of said district, issued by the board of education thereof, in pursuance of said special district meeting and the proceedings of said board, amounting to the sum of thirty-five thousand dollars, being thirty-five in number for one thousand dollars each, dated January first, nineteen hundred and two; one bond to mature on January first, nineteen hundred and ten and two bonds to mature on January first of each year thereafter until the whole amount has been paid, with interest at the rate of three and one-half per centum per annum, payable semi-annually, are hereby declared to be valid and subsisting obligations of said school district.

§ 2. The board of education of said union free school district number one, in the manner provided in article seven of title

Proceedings of special district meeting and board of education, legalized.

Bonds valid obligations.

Interest.

Tax for installments and interest.

seven of the consolidated school law, shall cause such taxes to be levied and collected as may be necessary to pay the installments and interest of said bonds as they shall become due, until said bonds and the interest thereon are fully paid.

§ 3. This act shall take effect immediately.

Chap. 80.

AN ACT to amend the stock corporation law relative to reorganization upon sale of corporate property.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter five hundred and sixty-four of the laws of eighteen hundred and ninety, entitled "An act in relation to stock corporations, constituting chapter thirty-eight of the general laws," as amended by chapter six hundred and eighty-eight of the laws of eighteen hundred and ninety-two and by chapter three hundred and fifty-four of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 3. **Reorganization upon sale of corporate property and franchises.**—When the property and franchises of any domestic stock corporation shall be sold by virtue of a mortgage or deed of trust, duly executed by it, or pursuant to the judgment or decree of a court of competent jurisdiction, or by virtue of any execution issued thereon, and the purchaser, his assignee or grantee shall have acquired title to the same in the manner prescribed by law, he may associate with him any number of persons, not less than the number required by law for an incorporation for similar purposes at least two-thirds of whom shall be citizens of the United States and one shall be a resident of this state, and they may become a corporation and take and possess the property and franchises thus sold, and which were at the time of the sale possessed by the corporation whose property shall have been so sold, upon making and acknowledging and filing in the offices

where certificates of incorporation are required by law to be filed, a certificate in which they shall describe by name and reference to the law under which it was organized, the corporation whose property and franchises they have acquired and the court by whose authority the sale had been made, with the date of the judgment or decree authorizing or directing the same, and a brief description of the property sold, and also the following particulars:

1. The name of the new corporation intended to be formed by the filing of such certificate; and the place where its principal office is to be located.

2. The maximum amount of its capital stock and the number of shares into which it is to be divided, specifying the classes thereof, whether common or preferred, and the amount of, and rights pertaining to, each class.

3. The number of directors, not less nor more than the number required by law for the old corporation, who shall manage the affairs of the new corporation, and the names and post-office address of the directors for the first year.

They may insert in such certificate any provisions relating to the new corporation, or its management, contained in any plan or agreement which may have been entered into as provided in section four of this chapter. Such corporation shall be vested with, and be entitled to exercise and enjoy, all the rights, privileges and franchises, which at the time of such sale belonged to, or were vested in the corporation, last owning the property sold, or its receiver, and shall be subject to all the provisions, duties and liabilities imposed by law on such corporations. Any proceedings heretofore taken in substantial compliance with this section as hereby amended and any and all incorporations based thereon are hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

Chap. 81.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and ninety-five, entitled "An act to enable veterans to participate in the exercises of memorial day," by extending its provisions to include veterans of the Spanish war, or the insurrection in the Philippines.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section one of chapter two hundred and twenty of the laws of eighteen hundred and ninety-five entitled "An act to enable veterans to participate in the exercises of memorial day," as amended by chapter twenty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

Leave of absence to veterans on memorial day.

§ 1. It shall be the duty of the head of every public department and of every court of the state of New York, of every superintendent or foreman on the public works of said state, of the county officers of the several counties of said state, and of the head of every department, bureau and office in the government of the various cities and villages in this state, to give leave of absence with pay for the twenty-four hours of the thirtieth day of May, or such other day as may, according to law, be observed as memorial day, to every person in the service of the state, the county, the city or village, as the case may be, who served in the army or the navy of the United States in the war of the rebellion, or who served in the regular or volunteer army or the navy or the marine corps of the United States during the war with Spain or during the insurrection in the Philippine islands, and who was honorably discharged from such service. A refusal to give such leave of absence to one entitled thereto shall be neglect of duty.

Refusal.

§ 2. This act shall take effect immediately.

Chap. 82.

AN ACT to amend the forest, fish and game law, relating to fishing in Seneca lake.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows: Act amended.

§ 80. Fishing in Seneca lake.—Nets or seines the meshes of which shall be not less than two inch bar, may be used in Seneca lake from May first to September fifteenth, both inclusive. Fish, except black bass, and except pickerel and pike in April, may be taken with spears in said lake from April fifteenth to June fifteenth both inclusive.

§ 2. This act shall take effect immediately.

Chap. 83.

AN ACT to amend section two hundred and eighty-two of the penal code, in relation to the penalty for the crime of abduction.

Became a law, March 5, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and eighty-two of the penal code is hereby amended to read as follows: Act amended.

§ 282. Abduction in certain cases, defined.—A person who,

1. Takes, receives, employs, harbors or uses, or causes or procures to be taken, received, employed or harbored or used, a female under the age of eighteen years, for the purpose of prostitution; or, not being her husband, for the purpose of sexual intercourse; or without the consent of her father, mother, guard-

ian or other person having legal charge of her person, for the purpose of marriage; or,

2. Inveigles or entices an unmarried female, of previous chaste character, into a house of ill-fame or of assignation, or elsewhere, for the purpose of prostitution or sexual intercourse; or,

3. Takes or detains a female unlawfully against her will, with the intent to compel her, by force, menace or duress, to marry him, or to marry any other person, or to be defiled; or,

4. Being parent, guardian or other person having legal charge of the person of a female under the age of eighteen years, consents to her taking or detaining by any person for the purpose of prostitution or sexual intercourse;

Is guilty of abduction and punishable by imprisonment for not more than ten years, or by a fine of not more than one thousand dollars, or by both.

When act
takes effect.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 84.

AN ACT to amend section two hundred and sixty-five of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, known as "the Greater New York charter" as amended by chapter four hundred and sixty-six of the laws of nineteen hundred and one, in relation to the expenses of condemnation proceedings.

Accepted by the city.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two hundred and sixty-five of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven known as "The Greater New York charter" as amended by chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended so as to read as follows:

§ 265. No bills of costs for fees of commissioners in and about special proceedings instituted for the acquisition of the title to lands required by the city of New York for public purposes, shall, unless the same be payable by law from the fund for street and park openings, be taxed by the supreme court prior to the confirmation of the report of the commissioners appointed in such proceeding.

§ 2. This act shall take effect immediately.

Chap. 85.

AN ACT to repeal chapter two hundred and sixty-three of the laws of nineteen hundred, entitled "An act to create a public improvement commission in and for the village of Waterford, New York, and to define its powers and duties."

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two hundred and sixty-three of the laws of nineteen hundred, entitled "An act to create a public improvement commission in and for the village of Waterford, New York, and to define its powers and duties," is hereby repealed. Act repealed.

§ 2. This act shall take effect immediately.

Chap. 86.

AN ACT to legalize and confirm certain acts of notaries public.

Became a law, March 5, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts of any notary public appointed for any county in the state, such notary having theretofore filed a certificate, pursuant to section eighty-two of chapter six hundred and eighty-three of the laws of eighteen hundred and ninety-two, entitled "An act in relation to executive officers, constituting chapter nine of the general laws," as amended by chapter two hundred and forty-eight of the laws of eighteen hundred Acts of notaries public legalized and confirmed.

and ninety-three, and chapter eighty-eight of the laws of eighteen hundred and ninety-four and chapter six hundred and fifty-seven of the laws of nineteen hundred and one, with the clerk of another county than that for which he was appointed, are hereby validated and confirmed, notwithstanding the omission to set forth in such certificate the fact of his qualification as such notary public.

§ 2. This act shall take effect immediately.

Chap. 87.

AN ACT repealing all laws and parts of laws dividing Oswego county into two jury districts, and providing that jurors to serve in any courts of record in that county shall be drawn as provided by law.

Became a law, March 5, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter twenty-two of the laws of eighteen hundred and sixteen is hereby repealed.

§ 2. All jurors, both grand and petit, to serve hereafter in any of the courts of record of Oswego county shall be drawn as provided by law.

§ 3. Courts of record in said county shall be held as heretofore in each of the court houses of said county.

When act
takes effect.

§ 4. This act shall take effect June first, nineteen hundred and two.

Chap. 88.

AN ACT to amend the labor law relative to the unauthorized use, or display of genuine labels.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven entitled, "An

act in relation to labor, constituting chapter thirty-two of the general laws " is hereby amended to read as follows:

§ 16. **Penalty for illegal use of labels, et cetera; injunction proceedings.**—A person manufacturing, using, displaying or keeping for sale a counterfeit or colorable imitation of a device so adopted and filed, or goods bearing the same, or who shall use or display a genuine device, so adopted and filed, without authority from or in a manner not authorized by the owner thereof, shall be subject to a penalty of two hundred dollars, to be recovered in an action brought in a court of competent jurisdiction by the person, union or association aggrieved; one-half of which penalty, when recovered, shall be paid to the plaintiff and one-half to the overseer of the poor of the town or to an officer having like power of the city, wherein the person aggrieved resides, or union or association is located, for the benefit of the poor of such town or city. After filing copies of such device, such union or association may also maintain an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations of such device, or of goods bearing the same, or the unauthorized use or display of such device, or of goods bearing the same, and the court may restrain such wrongful manufacture, use, display or sale, and every unauthorized use or display by others of the genuine devices so registered and filed, if such use or display is not authorized by the owner thereof, and may award to the plaintiff such damages resulting from such wrongful manufacture, use, display or sale as may be proved, together with the profits derived therefrom.

§ 2. This act shall take effect immediately.

Chap. 89.

AN ACT to amend the election law relative to maps and certificates of boundaries of election districts.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act

in relation to the elections, constituting chapter six of the general laws," is hereby amended to read as follows:

§ 9. **Maps and certificates of boundaries of election districts.**—When a ward of a city or an assembly district within a city shall be divided into two or more election districts, the officers or board creating, dividing or altering such election districts, shall forthwith make a map or description of such division, defining it by known boundaries, and cause such map or description to be kept open for public inspection in the office of the city clerk, and cause copies thereof to be posted not less than ten days prior to the first day of registration in each year, in at least ten of the most public places in each election district so created, divided or altered, and shall, prior to every election, furnish copies of such map or description to the inspectors of election in each election district of such ward or assembly district. The copies furnished to the inspectors of election shall have printed on each or affixed to each in some secure way the list of places designated pursuant to section ten as places at which the meetings for the registration of electors and the election shall be held during the year within such ward or assembly district. The officers creating, dividing or altering an election district in a town shall forthwith make a certificate or map thereof, exhibiting the districts so created, divided or altered, and their numbers respectively, and file the same in the county clerk's office, and a copy thereof in the town clerk's office, and cause copies of the same to be posted in at least five of the most public places in each election district of such town, and the county clerk shall, prior to every general election, furnish copies of such maps or certificates to the inspectors of election in each election district of such town, provided such election district is not coterminous with the town lines.

§ 2. This act shall take effect immediately.

Chap. 90.

AN ACT to confirm the title to lands in the city of New York conveyed by the sisters of charity of Saint Vincent de Paul, a corporation organized under the laws of the state of New York, by ratifying, validating and confirming the deed of said corporation dated March fifteenth, eighteen hundred and ninety-eight.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The conveyance by the sisters of charity of Saint Vincent de Paul, a corporation organized under the laws of the state of New York, of the following described premises: All that certain lot, piece or parcel of land situate, lying and being in the borough of Manhattan in the city of New York and bounded and described as follows: Commencing at the southeasterly corner of Madison avenue and One hundred and twenty-ninth street; running thence easterly along the southerly line of One hundred and twenty-ninth street thirty-five feet; thence southerly and parallel with Madison avenue ninety-nine feet and eleven inches; thence westerly and parallel with One hundred and twenty-ninth street thirty-five feet to the easterly line of Madison avenue; and thence northerly along the easterly line of Madison avenue ninety-nine feet and eleven inches to the point or place of beginning, to Frank W. Gilbert by deed dated March fifteenth, eighteen hundred and ninety-eight, and recorded in the office of register of the county of New York on the thirtieth day of March, eighteen hundred and ninety-eight, in block series of conveyances, section six, liber forty-five, page one hundred and seven and indexed in block number seventeen hundred and fifty-three on the land map of the city of New York, <sup>Convey-
ance vali-
dated and
confirmed.</sup> is hereby consented to, validated, ratified and confirmed, and the said the sisters of charity of Saint Vincent de Paul is hereby authorized to execute and deliver to said Frank W. Gilbert or his grantee, without application to the court, a deed in confirmation thereof.

§ 2. This act shall take effect immediately.

Chap. 91.

AN ACT to amend the public officers law in relation to removals by the governor.

Became a law, March 5, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-three of chapter six hundred and eighty-one of the laws of eighteen hundred and ninety-two, known as the public officers law, is hereby amended so as to read as follows:

§ 23. **Removals by the governor.**—An officer appointed by the governor for a full term or to fill a vacancy, any county superintendent of the poor, any register of a county, any coroner or any notary public, may be removed by the governor within the term for which such officer shall have been chosen, after giving to such officer a copy of the charges against him and an opportunity to be heard in his defense.

§ 2. This act shall take effect immediately.

Chap. 92.

AN ACT to amend the charter of the city of Rensselaer and to provide for a sergeant of police.

Accepted by the city.

Became a law, March 5, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-eight, and as further amended by chapter two hundred and ninety-four of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

§ 10. **City officers.**—The officers of the city shall be a mayor, a president of the common council, who shall be an alderman at

large, and whose term of office shall be that of an alderman, a city judge, a city treasurer, a city clerk, three assessors, three supervisors, a corporation counsel, a city engineer, a superintendent of streets, two commissioners of charities, one health officer and city physician, six commissioners of health, so many commissioners of deeds as may be deemed necessary by the common council, a superintendent of schools, five members of the board of education, a clerk of the board of education, a chief engineer and first and second assistant engineers of the fire department, a chief of police, a sergeant of police and nine patrolmen, three police commissioners, three fire commissioners, one alderman from each ward, a sealer of weights and measures, a keeper of the public pound and four constables.

§ 2. Section thirteen of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

§ 13. Commencement and expiration of terms of office.—The term of office of each officer elected at an annual city election shall, except as herein otherwise provided, commence with the commencement of the next official year after such election, namely: the first day of January after his election, except that the term of office of the city treasurer shall commence on the first day of December after his election. The term of office of each officer appointed by the common council or a city board for a full term shall, except as herein otherwise provided, commence on the first day of February of the year in which the appointment is required to be made.

§ 3. Section seventeen of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-eight and as further amended by chapter two hundred and ninety-four of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

§ 17. Compensation of city officers.—The aldermen, president of the common council, police commissioners, fire commissioners, and members of the city board of health and board of education shall receive no compensation for their services. The annual salary of the mayor shall be six hundred dollars; the annual salary of the city judge shall be nine hundred dollars; the

annual salary of the city clerk shall be twelve hundred dollars; the annual salary of the city treasurer shall be twelve hundred dollars; the annual salary of the city engineer shall be five hundred dollars; the annual salary of each commissioner of charities shall be two hundred dollars. The corporation counsel, assessors, superintendent of streets, health officer and city physician, city sealer, poundkeeper, shall receive an annual salary to be fixed by the common council for the full term for which they shall be respectively appointed; the chief of police shall receive a monthly salary of seventy dollars; the sergeant of police shall receive a monthly salary of sixty dollars; the patrolmen, other than special policemen, a monthly salary of sixty dollars; provided, however, that the police commissioners may, in their discretion, reward for conspicuous bravery or meritorious services, the chief of police by increasing his salary to a sum not to exceed seventy-five dollars per month, and the sergeant or any policeman to a sum not to exceed seventy dollars per month; the commissioners of deeds shall receive the compensation now provided by law to be received by them; the supervisors and constables, respectively, shall be entitled to the same compensation for their services as the corresponding officers in towns are entitled to receive for like services; the inspectors of election and such other officers as are authorized to be appointed by general law shall receive such compensation as is provided by general law unless otherwise herein provided. No other appointive officer of the city shall be entitled to receive from the city any compensation for his services unless otherwise provided by this act or by a general law.

§ 4. Section thirty-seven of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven, as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

§ 37. **General powers and duties of the city treasurer.**—The city treasurer shall be the fiscal officer of the city and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall designate, which shall be kept open each day in the year, except Sundays and legal holidays, from eight o'clock in the forenoon until five o'clock in the afternoon, except between

the hours of twelve and one, and at such hours as the common council may, from time to time, direct. He shall keep separate accounts of the different accounts of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not, knowingly, pay any money from any fund which is not properly chargeable thereto. The city treasurer shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and receipts of city moneys during the next preceding calendar month, a summary statement of the receipts and expenditures of city moneys during that portion of the current fiscal year expiring with the last day of such preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time, by the common council. An abstract of such report shall be published each month at least once in the official newspaper or newspapers of the city. Before entering upon the duties of his office, and on or before the fifteenth day of December in each year, the city treasurer shall execute and file an official bond with two or more sureties or some solvent surety company, in such penal sum as may be fixed by the common council, not less, however, than the sum of thirty thousand dollars, in accordance with section sixteen of the statutory construction law, and sections eleven, twelve and thirteen of the public officers' law; and for omission to do so, he shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law. Such bond shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon, and the bond so endorsed shall be filed and recorded in the clerk's office of the county of Rensselaer in the same manner as the official bonds of town collectors, and such bond shall be a lien on all property of such treasurer, and each of such sureties in the county of Rensselaer, until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon the common council shall, by resolution, declare that such bond is satisfied, and a copy of such resolution duly certified by the city clerk, may be filed and re-

corded in the office of said county clerk, and shall operate to discharge the same and the lien thereof from record. A true copy of such bond and certificate shall be filed in the city clerk's office. It shall be the duty of the treasurer personally to receive all state, county, city, school and local taxes and assessments which may be paid at such office, and to retain there and not elsewhere, except as herein otherwise provided, the possession of the warrants and assessment rolls which may from time to time be delivered to him by the supervisors or clerk of the city. He shall enter daily, in suitable books, all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid, and shall, at the expiration of each month, exhibit the same in his office to the mayor and finance committee of the common council for inspection. He shall also enter in a column in the assessment rolls in his possession, opposite the names of the persons or corporations who shall pay their taxes or assessments, the fact of payment, the amount thereof and date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for non-residents of said city, and the addresses of such non-residents, as far as he can ascertain the same. The treasurer shall be the custodian of all securities, obligations and other evidence of debt belonging to said city. He shall annually settle with the common council and as much oftener as they may require, for all city tax rolls and warrants and local assessment rolls and warrants issued to him, and for all moneys received or collected by him for school and other city purposes, and produce the proper vouchers of all boards and other officers for all money paid upon warrants, drafts or orders of said officers. At the time of the annual settlement and immediately preceding the expiration of his term of office, or within such time after the annual settlement as the common council may fix, he shall pay to his successor in office all such moneys remaining in his hands and deliver to such successor in office all assessment rolls, books, papers and property belonging to said city or pertaining to the affairs of the city in connection with the duties of his office.

§ 5. Section eighty-eight which was added to article five of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven by chapter two hundred and ninety-four

of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

§ 88. **Expense of new pavement.**—The expense of laying new pavement in any of the streets or highways of said city, except the part to be paid by the owner or owners of any street railway, as hereinbefore provided, including the preparation of streets therefor, with granite blocks, asphalt, brick or similar material, shall not exceed thirty thousand dollars in any one year. Such expense shall be met by general assessment of all the taxable property and persons in said city; provided however that property which has already been assessed for granite block or asphalt pavement laid prior to April fifth, nineteen hundred and one, shall be assessed for any new pavements only to the amount which would properly be assessable upon such property, for such new pavements, after deducting therefrom the amount actually paid upon said assessments made for such granite block or asphalt pavement laid prior to April fifth, nineteen hundred and one.

§ 6. Section one hundred and eleven of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

§ 111. **Board of police commissioners; organization.**—The said police commissioners shall, with the mayor constitute the board of police commissioners of said city. The mayor shall be the president of said board, but shall have no vote therein, except in case of a tie. Two members shall constitute a quorum. In case of the mayor's absence from the city or his inability from any cause to attend any meeting of said board the other members thereof shall choose one of their number chairman pro tempore, who shall have the same powers as the mayor therein and who shall not lose his vote therein except when he shall vote upon a tie. The city clerk shall be the secretary of the board, shall keep a record of its proceedings and shall have the custody of all books and papers belonging to said board. Said books and papers shall, at all times, be open to the inspection of each member of the board.

§ 7. Section one hundred and fourteen of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven as amended by section sixteen of chapter two hundred

and twenty-six of the laws of eighteen hundred and ninety-eight, is hereby further amended so as to read as follows:

§ 114. **The police force.**—The police force of the city of Rensselaer shall consist of a chief of police, a sergeant of police and nine patrolmen. The chief of police and nine patrolmen appointed and now acting as such, shall continue in office subject to the provisions of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven as amended, and together with the sergeant of police, who shall be appointed by the board of police commissioners within ten days after this act becomes a law, shall constitute the police force of the city of Rensselaer. Upon the application of any corporation, society, person, or persons showing the necessity therefor, the said board of police commissioners may, whenever expedient, appoint and swear in special policemen, not exceeding the number so applied for, who shall serve for a time not exceeding that stated in the application, but the compensation of such special policeman, which shall be fixed by the board, shall be paid by the corporation, society, person or persons requesting their appointment. Said special policemen may be removed at any time by the said board, without cause assigned therefor, and notice of such removal shall be forthwith given to the corporation, society, person or persons, who applied for their appointment as aforesaid. Such board may also, upon any emergency, or for any special purpose, appoint not more than six special policemen at a compensation not to exceed three dollars per day for a term not to exceed five days, and may appoint from among the citizens of Rensselaer as many special policemen without pay as it may deem desirable.

§ 8. Section one hundred and seventy-three of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven, as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-eight, and as further amended by section seventeen of chapter two hundred and ninety-four of the laws of nineteen hundred and one, is hereby further amended so as to read as follows:

§ 173. **Appointment of the board of education.**—At its first meeting after this act goes into effect, the common council shall appoint five members of the board of education whose terms of

office shall commence forthwith and shall expire, one at the expiration of one year, two at the expiration of two years, and two at the expiration of three years from the first day of August next succeeding their appointment; and shall annually thereafter, at its first regular meeting in July, appoint as many members as shall be necessary to fill the vacancies caused by the expiration of the terms of office of members on the first day of August next succeeding such appointment, such members to be appointed for a term of three years. In case of vacancy or vacancies occurring in said board, by reason of death, resignation, removal from office or from the city, or refusal to serve, or from any other cause, the common council shall, at its next regular meeting, appoint a member or members to fill the vacancy or vacancies thus existing, for the unexpired term. The said board shall meet at least once in each month, which meetings shall be held at the school building number two on the first Wednesday of each month, unless the said board shall by resolution fix another date for such meetings.

§ 9. This act shall take effect immediately.

Chap. 93.

AN ACT to amend section nine hundred and twenty-seven of the code of civil procedure, relative to evidence of serving notices.

Became a law, March 5, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine hundred and twenty-seven of the code of civil procedure relating to service of notices is hereby amended to read as follows:

§ 927. **Affidavit of service of notice.**—Where it is necessary upon the trial of an action, to prove the service, posting or affixing, of a notice, an affidavit, showing the service, posting or affixing, to have been made by the person making the affidavit, is presumptive evidence of the service, posting or

affixing, upon first proving that he is dead or insane, or that his personal attendance cannot be compelled, with due diligence.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 94.

AN ACT to amend the code of criminal procedure, relative to the subpoena of witnesses to testify in criminal actions pending in other states bordering on this state.

Became a law, March 6, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of criminal procedure is hereby amended by inserting therein a new section to be known as section six hundred and eighteen-a, and to read as follows:

§ 618-a. Subpoena of witnesses to testify in criminal actions without the state.—If a judge of a court of record in any state bordering on this state which by its laws has heretofore made provision for commanding persons within its borders to attend and testify in criminal actions in this state, certifies under the seal of such court that there is a criminal action pending in such court, wherein the defendant is charged with a crime of the grade of a felony, and that a person residing or being within this state is believed to be a material and necessary witness in such action, a judge of a court of record in this state, upon the presentation of such certificate and such proof of the materiality and necessity of such witness as he may require, opportunity being given such witness to appear before such judge and be heard in opposition thereto, and upon request so to do by the clerk of the court issuing such certificate, shall issue and attach to such certificate a subpoena commanding such witness to appear and testify in the court where such criminal action is pending at the time and place to be stated therein. If any person on whom such subpoena has been served in the manner provided by this chapter, having been tendered by the party asking for the subpoena the sum of ten cents for each mile to be traveled to and from such court, and the sum of five

dollars for each day that his attendance is required, the number of days to be specified in the subpoena, shall unreasonably neglect to attend and testify at such court, he shall be punished in the manner provided for the punishment of disobedience of any other subpoena issued from a clerk of a court of record in this state, provided, however, that the laws of the state in which the trial is to be held gives to persons coming in the state under such subpoena, protection from the service of papers and arrest.

§ 2. This act shall take effect immediately.

Chap. 95.

AN ACT to authorize the town of Canton in the county of Saint Lawrence to provide for a site for a free public library, and to make an annual appropriation for the maintenance of such library.

Became a law, March 6, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town of Canton in the county of Saint Lawrence is hereby authorized to raise money by tax to establish and maintain a free public library, or to provide a building or rooms for its use, or to share the cost as agreed with other bodies, or with any person. It may also acquire real or personal property for library purposes by gift, grant, devise, or condemnation, and may buy, take, hold, sell, and transfer either real or personal property, and administer the same for public library purposes. By majority vote at any biennial or special town meeting said town may accept gifts, grants, devises, or bequests for public library purposes on condition that a specified annual appropriation shall thereafter be made for maintenance of the library. Such acceptance, when approved by the regents of the university under seal and recorded in its book of charters, shall be a binding contract, and said town shall levy and collect yearly the amount provided in the manner prescribed for other taxes.

Establishment and maintenance of free public library, authorized.

§ 2. This act shall take effect immediately.

Chap. 96.

AN ACT to amend the highway law (chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety).

Became a law, March 6, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-seven of the highway law (chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety) is hereby amended so as to read as follows:

§ 157. (A) Whenever any persons, traveling with any carriages, or riding horses or other animals, shall meet on any turnpike road or highway, the persons so meeting shall seasonably turn their carriages, horses, or other animals to the right of the center of the road, so as to permit such carriages, horses, or other animals to pass without interference or interruption, (under the penalty of five dollars for every neglect or offence, to be recovered by the party injured).

(B) Any carriage, or the rider of a horse or other animal, overtaking another shall pass on the left side of the overtaken carriage, horse or other animal. When requested to do so, the driver or person having charge of any carriage, horse or other animal, traveling, shall, as soon as practicable, turn to the right, so as to allow any overtaking carriage, horse or other animal, free passage on his left.

(C) In turning corners to the right, carriages, horses or other animals, shall keep to the right of the center of the road. In turning corners to the left, they shall pass to the right of the centre of intersection of the two roads.

(D) Any person neglecting to comply with or violating any provision of this section shall be liable to a penalty of five dollars to be recovered by the party injured, in addition to all damages caused by such neglect or violation.

Chap. 97.

AN ACT to amend the religious corporations law, relating to
Presbyterian churches.

Became a law, March 6, 1902, with the approval of the Governor. Passed,
three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Section 1. Article three of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to religious corporations, constituting chapter forty-two of the general laws," is hereby made article four thereof.

§ 2. Article four of such chapter is hereby made article five thereof, and the title of such article, as amended by chapter one hundred and ninety of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

Special provisions for the incorporation and government of Reformed Dutch, Reformed Presbyterian and Lutheran churches.

§ 3. Article five of such chapter as inserted by chapter three hundred and thirty-six of the laws of eighteen hundred and ninety-six, is hereby made article six thereof.

§ 4. Article six of such chapter as inserted by chapter six hundred and twenty-one of the laws of eighteen hundred and ninety-seven, is hereby made article seven thereof.

§ 5. Articles seven, eight and nine of such chapter as renumbered by chapter six hundred and twenty-one of the laws of eighteen hundred and ninety-seven, are hereby made articles eight, nine and ten thereof, respectively.

§ 6. Such chapter is hereby amended by inserting therein a new article to be article three thereof, and to read as follows:

ARTICLE III.

SPECIAL PROVISIONS FOR THE INCORPORATION AND GOVERNMENT OF PRESBYTERIAN CHURCHES.

Section 37. Application of this article.

38. Calling, et cetera, of a minister.

39. Worship.

Section 40. Incorporation of incorporated Presbyterian churches, and decision as to system of incorporation and government.

41. Changing system of trustees.

42. Corporate meetings.

43. Organization and conduct of corporate meetings, qualifications of voters thereat, et cetera.

44. Changing date of annual corporate meetings.

45. Changing number of trustees.

46. Trustees, their meetings, vacancies and filling thereof, their powers, et cetera.

47. Definitions.

Section 37. Application of this article.—This article and sections thirty-seven to forty-seven, inclusive, of this act, applies only to a Presbyterian church in connection with the general assembly of the Presbyterian church in the United States of America.

§ 38. **Calling, et cetera, of a minister.**—The election, calling, settlement, installation, dismissal, removal, translation, constituting or dissolving of the pastoral relation, or fixing or changing of the salary of a minister or pastor of a Presbyterian church in connection with the general assembly of the Presbyterian church in the United States of America, or taking any action for or toward any such purpose, and the calling and conduct of a meeting of any such church for any such purpose, and the qualification of voters at any such meeting, is not authorized or regulated or controlled by any provision of this act, but the same shall be in all respects, done, and regulated, and any meeting therefor called, conducted, and controlled, only in accordance with the laws, regulations, practice, discipline, books of government, rules and usages of the ecclesiastical governing body of such church and of the Presbyterian church in the United States of America, except that the salary of any such minister may be increased at any corporate meeting of any such church.

§ 39. **Worship.**—Nothing in this act contained shall authorize the fixing or changing of the times, nature or order of public or social or other worship of any Presbyterian church, in any other manner, or by any other authority, than in the manner

and by the authority provided in the laws, regulations, practice, discipline, rules and usages of the Presbyterian religious denomination or ecclesiastical governing body, with which such church is connected.

§ 40. Incorporation of unincorporated Presbyterian churches and decision as to system of incorporation and government.—A meeting for the purpose of incorporation of an unincorporated Presbyterian church in connection with the Presbyterian church in the United States of America, must be called and held in pursuance of the provisions of this article.

1. The notice and call of such meeting shall be in writing, and shall state in substance, that a meeting of such unincorporated church will be held at its usual place of worship at a specified day and hour for the purpose of incorporating such church and designating the trustees thereof. The notice must be signed by at least six persons of full age who are then members in good and regular standing of such church by admission into full communion or membership therewith, in accordance with the rules and regulations of such church, and of the governing ecclesiastical body of the denomination or order, to which the church belongs. A copy of such notice shall be posted conspicuously on the outside of the main entrance to such place of worship, at least fifteen days before the day so specified for such meeting, and such notice shall be publicly read at each of the two next preceding regular meetings of such unincorporated church for public worship, at least one week apart, at morning service, if such service be held on Sunday, by the first named of the following persons who is present thereat, to wit: The minister of such church, the officiating minister thereof, the elders thereof in the order of their age beginning with the oldest, the deacons of the church in the order of their age beginning with the oldest, or by any person qualified to sign such notice.

2. At the meeting for incorporation held in pursuance of such notice, the following persons, and no others, shall be qualified voters, to wit: All persons of full age, who are then members, in good and regular standing of such church by admission into full communion or membership therewith, in accordance with the rules and regulations thereof, and of the governing ecclesiastical body of the denomination or order to which the church

belongs. The presence of a majority of such qualified voters, at least six in number, shall be necessary to constitute a quorum of such meeting. The action of the meeting upon any matter or question shall be decided by a majority of the qualified voters voting thereon, a quorum being present.

3. The first named of the following persons who is present at such meeting shall preside thereat, to wit: The minister of the church, the officiating minister thereof, the elders thereof in the order of their age, beginning with the oldest, the deacons thereof in the order of their age, beginning with the oldest. The presiding officer of the meeting shall receive the votes, be the judge of the qualifications of voters, and declare the result of the votes cast on any matter. Nothing contained in this section, or in this act, shall prevent the qualified voters at any such meeting, from choosing another person, a qualified voter, to preside at such meeting, other than the person or officer above designated.

4. The first business of such meeting after its organization, shall be to determine whether such church shall be incorporated, and if so, the name of such church, and whether its temporalities shall be managed by the spiritual officers of such church as the trustees thereof, or whether its temporalities shall be managed by trustees to be elected by the church.

5. If such meeting shall determine that such church shall be incorporated and its temporalities managed by the spiritual officers of such church as the trustees thereof, then the meeting shall also determine whether by virtue of their office, the deacons only of such church, or the pastor, ruling elders and deacons of such church, or the pastor and ruling elders of such church shall manage its temporalities, and be the trustees of such corporation.

6. If such meeting shall determine that such church shall be incorporated and its temporalities managed by trustees to be elected by the church, it shall further determine the number of the trustees of such church, which shall not be less than three nor more than nine, and shall further determine the date not more than fifteen months thereafter on which the first annual election of the trustees thereof after such meeting shall be held, and such meeting shall elect from the persons qualified to vote at such meeting, one-third of the number of trustees so

decided on who shall hold office until the first annual election of trustees thereafter, one-third of such number of trustees to hold office until the second annual election of trustees thereafter, and one-third of such number of trustees to hold office until the third annual election of trustees thereafter.

7. If any such meeting shall determine that such church shall incorporate in pursuance of this article, the presiding officer and at least two other persons present at such meeting, shall execute, acknowledge and cause to be filed and recorded, as provided in this act, a certificate of incorporation. Such certificate of incorporation shall state the name of the proposed corporation; the county and town, city or village, where its principal place of worship is or is intended to be located; the fact that a meeting of such church duly called decided that such church be incorporated, also the determination of such meeting of all the matters required in this article to be determined by such meeting, and, as the case shall be, the names of the persons elected as trustees, and the term for which each was elected, or the names of the spiritual officers and their offices, who, by the determination of such meeting, are by virtue of their office to be trustees of such corporation. On filing such certificate such church shall be a corporation by the name stated therein, and the officers determined upon by the meeting for incorporation and their successors in office, by virtue of their offices, if they be spiritual officers of such church, shall be the trustees of such corporation, or if, by said meeting it was determined that the trustees should be elected as such, then such as were so elected by said meeting as trustees, and their successors in office shall be the trustees of such corporation.

§ 41. Changing system of trustees.

1. If the trustees of an incorporated Presbyterian church in connection with the Presbyterian church in the United States of America, shall at any time be elective as trustees and not trustees by virtue of being spiritual officers, the church may, at an annual corporate meeting if notice thereof be given with the notice of such meeting, determine that the deacons thereof, or the pastors, the ruling elders, and the deacons thereof or the pastor and the ruling elders thereof, shall thereafter constitute the trustees thereof, and there-

upon the presiding officer of such meeting and at least two other persons present thereat, shall sign, acknowledge and cause to be filed and recorded, a certificate stating the fact of such determination, the names of the officers determined upon to be the ex-officio trustees thereof; and thereon the terms of office of such elective trustees shall cease, and the officers determined upon by such corporate meeting, and their successors in office shall, by virtue of their respective offices, be the trustees of such church.

2. If, at any time, the spiritual officers of an incorporated Presbyterian church in connection with the Presbyterian church in the United States of America, which officers by virtue of their offices constitute the trustees thereof, shall determine to submit to a meeting of such church corporation, the question whether the trustees of such church shall be thereafter elective as such trustees, they shall cause a special corporate meeting of such church to be called and held in the manner provided in section forty-two of this act, and such corporate meeting shall determine, whether the trustees of such church shall thereafter be elective in pursuance of this article of this act, and also whether the number of such trustees shall be three, six or nine, and date of the annual corporate meeting of the church. If such meeting shall determine that such trustees shall thereafter be elective as such trustees, and the number of such trustees, and the date of the first annual corporate meeting of the church, the presiding officer thereof and at least two other persons present and voting thereat, shall sign, acknowledge and cause to be filed and recorded in the office of the clerk of the county in which the certificate of incorporation of such church is filed, a certificate of such determination of such meeting; and thereafter the trustees of such church shall be elective in pursuance of this article of this chapter. At the next annual corporate meeting after the filing of such certificate, one-third of the number of trustees so determined on, shall be elected to hold office for one year, one-third for two years, and one-third for three years, and the officers of such church who by virtue of their offices have been trustees of such church, shall then cease to be such trustees, and thereafter the trustees of such church and their successors shall be elective as such trustees as in this article provided. At each subsequent annual

corporate meeting of such church, one-third of the number of trustees so determined on shall be elected to hold office for three years.

§ 42. Corporate meetings.

1. In every incorporated church to which this article of this chapter applies and in which the trustees thereof as such are elective, there shall be held an annual corporate meeting. Such annual corporate meeting of every incorporated church to which this article is applicable, shall be held at the time and place fixed by or in pursuance of law therefor, if such time and place be so fixed, and otherwise, at a time and place to be fixed by its trustees.

2. A special corporate meeting of any such church may be called by trustees thereof on their own motion, and must be so called on the written request of at least ten qualified voters of such church, and shall be called and notice thereof given in the same manner as for an annual corporate meeting.

3. The trustees shall cause notice of the time and place of its corporate meetings, to be given at a regular meeting of the church for public worship, at morning service, if such service be held, on each of the two successive Sundays next preceding such meeting, and public worship be had thereon, or otherwise on each of two days, at least one week apart, next preceding such meeting; or if no such public worship be held during such period by conspicuously posting such notice, in writing, upon the outer entrance to the principal place of worship of such church. Such notice shall be given by the minister of the church, if there be one, or by the officiating minister thereof, if there be one, or by any officer of such church. If such notice be of an annual corporate meeting it shall specify the names of the trustees whose successors are to be elected thereat; if such notice be of a special corporate meeting, it shall specify the particular business to be transacted thereat, and no other business shall be transacted at such special corporate meeting.

4. Whenever in any such incorporated church, by virtue of their offices, any of the spiritual officers thereof are the trustees thereof, they may in their discretion call special corporate meetings of such incorporated church; and in such case such meetings shall be called by the same notice published or posted in

the same manner as herein provided for the notice of such a meeting by the trustees of such a church elected as such; and in each such case such notice must specify the particular business to be transacted at such meeting, and no other business shall be transacted at such special corporate meeting.

§ 43. Organization and conduct of corporate meetings; qualifications of voters thereat, et cetera.

1. At a corporate meeting of an incorporated church to which this article is applicable the following persons and no others shall be qualified voters, to wit: All persons of full age who are then members in good and regular standing of such church by admission into full communion and membership therewith, in accordance with the rules and regulations thereof, and of the governing ecclesiastical body, of the denomination to which the church belongs, or who have been stated attendants on divine worship in such church and have regularly contributed to the financial support thereof during the year next preceding such meeting.

2. The presence at any corporate meeting of an incorporated church of at least six persons qualified to vote thereat shall be necessary to constitute a quorum. The action of the meeting upon any matter or question shall be decided by a majority of the qualified voters voting thereon, a quorum being present.

3. The first named of the following persons who is present at any corporate meeting of any incorporated church shall preside thereat, to wit: The minister of such church, the officiating minister thereof, the officers thereof in the order of their age, beginning with the oldest; any qualified voters elected therefor at the meeting.

4. Nothing contained in this act shall prevent the qualified voters at any meeting held pursuant to this act from choosing a person to preside at any corporate meeting of any incorporated church, other than the person or officer designated in this act to preside thereat, and when such other person shall be chosen he shall exercise all the powers in this act conferred upon the presiding officer of such meeting.

5. The presiding officer of a corporate meeting shall receive the votes, be the judge of the qualifications of voters, and declare the result of the votes cast on any matter. The polls of an annual corporate meeting shall continue open for one hour, or until all qualified voters present shall have had a full opportunity to vote,

and longer in the discretion of the presiding officer, or if required by a majority of the qualified voters present.

6. At each annual corporate meeting successors to those trustees whose terms of office then expire shall be elected from the qualified voters by ballot for a term of three years thereafter.

§ 44. **Changing date of annual corporate meetings.**—An annual corporate meeting of an incorporated church to which this article is applicable, may change the date of its annual meeting thereafter. If such date shall next thereafter occur less than six months after the annual meeting at which such change is made the next annual meeting shall be held one year from such next recurring date. For the purpose of determining the terms of office of trustees, the time between the annual meeting at which such change is made and the next annual meeting thereafter shall be reckoned as one year.

§ 45. **Changing number of trustees.**—An incorporated church to which this article is applicable, may, at an annual corporate meeting, change the number of its trustees to three, six or nine, and classify them so that the terms of one-third expire each year. No such change shall affect the terms of the trustees then in office, and if the change reduces the number of trustees it shall not take effect until the number of trustees whose terms of office continue for one or more years after an annual election, is less than the number determined upon. Whenever the number of trustees so holding over is less than the number so determined on, trustees shall be elected in addition to those so holding over sufficient to make the number of trustees for the ensuing year equal to the number so determined on. The trustees so elected up to and including one-third of the number so determined on, shall be elected for three years, the remainder up to and including one-third of the number so determined on for two years and the remainder for one year.

§ 46. **Trustees, their meetings, vacancies and filling thereof, their powers, et cetera.**

1. Two trustees of an incorporated church, to which this article is applicable, may call a meeting of such trustees by giving at least twenty-four hours notice thereof personally or by mail to the other trustees. A majority of the trustees lawfully convened shall constitute a quorum for the transaction of business. In case of a tie vote at a meeting of the trustees, the presiding

officer of such meeting shall, notwithstanding he has voted once, have an additional casting vote.

2. If any trustee of an incorporated church to which this article is applicable, declines to act, resigns or dies, or having been a member of such church, ceases to be such member, or not having been a member of such church, ceases to be a qualified voter at a corporate meeting thereof, his office shall be vacant and such vacancy may be filled by the remaining trustees until the next annual corporate meeting of such church, at which meeting the vacancy shall be filled for the unexpired term.

3. The trustees of an incorporated church to which this article is applicable shall have the custody and control of all the temporalities and property belonging to the corporation and of the revenues from such property, and shall administer the same in accordance with the discipline, rules, usages, laws, and book of government of the religious denomination or ecclesiastical governing body with which the church is connected, and with the provisions of law relating thereto, for the support and maintenance of the church corporation or providing the members thereof at a corporate meeting thereof shall so authorize, of some religious, charitable, benevolent, or educational object, conducted by such church, or connected with it, or with the denomination with which it is connected, and they shall not use such property or revenue for any other purpose or divert the same from such uses.

4. By-laws, or directions, adopted at any corporate meeting of any such incorporated Presbyterian church shall control the subsequent action of its trustees, as to the temporalities and property or revenues therefrom, and as to the care thereof, and changes in either thereof and disposition thereof.

5. The words "temporalities," "property," "revenue" and "revenues," as used in this section, or elsewhere in this act, shall not be construed to include the contributions in such church or elsewhere for benevolent or other purposes, which shall be contributed and paid to the pastor or pastors, ruling elders, the church session, or the deacons of any such church, either in the church services or otherwise, to be distributed, or used, or administered, by them, or any, or either of them, nor to any funds or property devised, bequeathed or contributed, to be administered or expended by such pastor or pastors, ruling elders, church session, deacons or other spiritual officers of such church.

6. The trustees of any such church shall have no power, without the consent of a corporate meeting, to incur debts beyond what is necessary for the care of the property of the corporation.

§ 47. **Definitions.**—The words, “spiritual officers,” as used in this article includes, the pastor or pastors, the ruling elders, and the deacons, of any church to which this article is applicable.

§ 7. Section sixty-one of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled “An act in relation to religious corporations, constituting chapter forty-two of the general laws,” as amended by chapters thirty-five and one hundred and ninety of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 61. **Decision by Lutheran church as to system of incorporation and government.**—A meeting for the purpose of incorporating an unincorporated Evangelical Lutheran church must be called and held in pursuance of the provisions of article eight of this chapter, except that the first business of such meeting after its organization, shall be to determine whether such church shall be incorporated and governed in pursuance of this article, or in pursuance of article eight of this chapter. If such meeting determines that such church shall be incorporated and governed in pursuance of this article, then no further proceeding shall be taken in pursuance of article eight, and such church may be incorporated and shall be governed after its incorporation in pursuance of the provisions of the following sections of this article, except such provisions as are applicable only to churches of a different denomination; and the certificate of incorporation shall recite such determination of such meeting. If such meeting determine that such church shall be incorporated and governed in pursuance of article eight of this chapter, then this article shall not be applicable thereto, but such church may be incorporated and shall be governed after its incorporation in pursuance of the provisions of article eight of this chapter, except such provisions as are applicable to churches of a single religious denomination only.

§ 8. Section sixty-two of such chapter, as amended by chapter one hundred and ninety of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 62. Incorporation of Reformed Dutch, Reformed Presbyterian and Evangelical Lutheran churches under this article.—If any unincorporated church in connection with the Reformed church in America, the true Reformed Dutch church in the United States of America, the Reformed Presbyterian church, or with the Evangelical Lutheran church, determine to incorporate in pursuance of this article, the minister or ministers and the elders and deacons thereof shall execute, acknowledge and cause to be filed and recorded, a certificate in pursuance of this article. The deacons of a Reformed Presbyterian church may alone sign such certificate if authorized so to do by such church. Such certificate of incorporation shall state the name of the proposed corporation, the county and town, city or village where its principal place of worship is or is intended to be located, and, if it be an Evangelical Lutheran church, the fact that a meeting of such church duly called decided that it be incorporated under this article. If it be signed by the deacons of a Reformed Presbyterian church, it shall state that they were authorized so to do by such church. On filing such certificate such church shall be a corporation by the name stated therein, and the minister or ministers, if any, and the elders and deacons of such church shall, by virtue of their offices be the trustees of such corporation, except that if it be a Reformed Presbyterian church, the certificate of incorporation of which shall have been, in pursuance of law, signed by its deacons only, the deacons of such church shall, by virtue of their offices, be the trustees of such corporation.

§ 9. Section sixty-six of such chapter, as amended by chapter one hundred and ninety of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 66. Evangelical Lutheran church, changing system of electing trustees.—If the trustees of an incorporated Evangelical Lutheran church shall at any time be elective in pursuance of article eight of this chapter, the church may, at an annual corporate meeting, if notice thereof be given with the notice of such meeting determine that the minister or ministers and elders and deacons thereof shall thereafter constitute the trustees thereof, and thereon the trustees of such church shall sign, acknowledge and cause to be filed and recorded, a certificate stating the fact of such determination, and the name of the

minister or ministers, if any, and of the elders and deacons of such church; and thereon the terms of office of such elective trustees shall cease, and, the minister or ministers and the elders and deacons of such church, and their successors in office shall, by virtue of their respective offices, be the trustees of such church. If, at any time, the officers of an incorporated Evangelical Lutheran church which officers by virtue of their offices constitute the trustees thereof shall determine to submit to a meeting of such church corporation, the question whether the trustees of such church shall be thereafter elective in pursuance of article eight of this chapter, they shall cause a corporate meeting of such church to be called and held in the manner provided in sections eighty-four and eighty-five of this chapter, and such corporate meeting shall determine, whether the trustees of such church shall thereafter be elective in pursuance of article eight of this chapter, and also whether the number of such trustees shall be three, six or nine, and the date of the annual corporate meeting of the church. If such meeting shall determine that such trustees shall thereafter be elective, the presiding officer thereof and at least two other persons present and voting thereat, shall sign, acknowledge and cause to be filed and recorded in the office of the clerk of the county in which the certificate of incorporation of such church is filed, a certificate of such determination of such meeting; and thereafter the trustees of such church shall be elective in pursuance of article eight of this chapter. At the next annual corporate meeting after the filing of such certificate, one-third of the number of trustees so determined on shall be elected to hold office for one year, one-third for two years, and one-third for three years, and the officers of such church who by virtue of their offices have been trustees of such church, shall then cease to be such trustees, and thereafter article eight of this chapter shall apply to such church. At each subsequent annual corporate meeting of such church, one-third of the number of trustees so determined on shall be elected to hold office for three years.

§ 10. Section eighty of such chapter, as amended by chapters thirty-five, one hundred and ninety and three hundred and thirty-six of the laws of eighteen hundred and ninety-six, and chapter six hundred and twenty-one of the laws of eighteen

hundred and ninety-seven, is hereby amended to read as follows:

§ 80. **Application of this article.**—This article is not applicable to a Baptist church, a Congregational or Independent church, a Protestant Episcopal church, a Roman Catholic church, a Presbyterian church in connection with the general assembly of the Presbyterian church in the United States of America, or a christian orthodox Catholic church of the eastern confession. No provision of this article is applicable to a Reformed church in America, a true Reformed Dutch church in the United States of America, a Reformed Presbyterian church, or to an Evangelical Lutheran church, incorporated after October first, eighteen hundred and ninety-five, except as declared to be so applicable by article five of this chapter; this article is applicable to an Evangelical Lutheran church incorporated before October first, eighteen hundred and ninety-five, if the trustees thereof were then elective as such and so long as they continue to be elective as such. Article five of this chapter is applicable to an Evangelical Lutheran church incorporated before October first, eighteen hundred and ninety-five, if its trustees were not then elective as such and so long as its trustees continue not to be elective as such. This article is applicable to churches of all other denominations.

§ 11. This act shall take effect immediately.

Chap. 98.

AN ACT to amend the stock corporation law in reference to merger of corporations.

Became a law, March 6, 1902, with the approval of the Governor. Passed.
a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section fifty-eight of article three of the stock corporation law is hereby amended so as to read as follows:

§ 58. Any domestic stock corporation and any foreign stock corporation authorized to do business in this state lawfully owning all the stock of any other stock corporation organized for, or engaged in business similar or incidental to that of the

possessor corporation may file in the office of the secretary of state, under its common seal, a certificate of such ownership, and of the resolution of its board of directors to merge such other corporation, and thereupon it shall acquire and become, and be possessed of all the estate, property, rights, privileges and franchises of such other corporation, and they shall vest in and be held and enjoyed by it as fully and entirely and without change or diminution as the same were before held and enjoyed by such other corporation, and be managed and controlled by the board of directors of such possessor corporation, and in its name, but without prejudice to any liabilities of such other corporation or the rights of any creditors thereof. Any bridge corporation may be merged under this section with any railroad corporation which shall have acquired the right by contract to run its cars over the bridge of such bridge corporation.

§ 2. This act shall take effect immediately.

Chap. 99.

AN ACT to legalize the acts of Harry W. Baldwin, a commissioner of deeds.

Became a law, March 6, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts of Harry W. Baldwin of the borough of Manhattan, county and city of New York, performed as commissioner of deeds from the twenty-eighth day of April, eighteen hundred and ninety-eight and before the thirtieth day of May, eighteen hundred and ninety-eight and from the seventeenth day of May nineteen hundred and before the third day of June nineteen hundred, are hereby legalized and confirmed, and shall have the same force and effect as though the said Harry W. Baldwin had been qualified to act as commissioner of deeds at the time of the performance of such acts.

Acts of commissioner of deeds legalized and confirmed.

§ 2. Nothing in this act shall affect any action or proceeding pending in any court.

§ 3. This act shall take effect immediately.

Chap. 100.

AN ACT to amend chapter eight hundred and fifty-eight of the laws of eighteen hundred and sixty-seven, relative to the redemption of real estate sold for taxes in the county of Onondaga.

Became a law, March 6, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section six of chapter eight hundred and fifty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the statutes in reference to the collection of taxes in the county of Onondaga," as amended by chapter one hundred and fifty-four of the laws of eighteen hundred and sixty-nine and chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-nine, and chapter one hundred and two of the laws of nineteen hundred, is hereby further amended to read as follows:

Publication
of list and
notice of
sale.

§ 6. The county treasurer shall, immediately after the expiration of such six months cause to be published once in each week for six weeks, in at least two daily newspapers published in said county, a list or statement of the real estate charged with such taxes, interest, expenses and other charges, and so liable to be sold, and also a notice that such real estate will, on a day subsequent to the expiration of the said six weeks, specified in such notice, and the succeeding days, be sold at public auction at the court house in the city of Syracuse, to discharge the taxes, interest, charges and expenses, that may be due thereon at the time of such sale the publishing of the said notice not to exceed the sum of one dollar for each notice so published for each newspaper publishing the same. Proof of the due publication of such list and notice in each newspaper shall, within twenty days after the last publication thereof, be made and filed and recorded in the office of the county clerk of said county who shall cause the same to be properly indexed. No error or imperfection in any list made up or published shall render any sale void or in any manner affect its validity. On the day of

Proof of
publication.

sale specified in the said notice the county treasurer shall commence the sale of such real estate, and he shall continue the sale from day to day until the same shall be disposed of. The county treasurer may, in his discretion, decline to receive any bid on any parcel of land, if in his opinion, it is made by or for any person not acting in good faith, and any such land shall be sold at such sale the same as if such bid had not been made thereon. In case no purchaser bids the amount due on any lot or parcel, the county treasurer shall bid in such lot or parcel for the county, and it shall be his duty to bid in for the county all lands which have been bid in for the county at any prior tax sale and which have not been duly redeemed or the certificates of sale for which have not been sold or signed. The treasurer shall make certificates of sale for all lands so bid in by him, describing the lands purchased and specifying the time when a deed therefor can be obtained. Such purchases shall be subject to the same right of redemption as purchases by individuals; and if the land so sold shall not be redeemed the county treasurer's deed therefor shall have the same effect and become absolute in the same time, and on the performance of like conditions, as in the case of sale and conveyances to individuals. The treasurer may sell and assign any certificate of sale of lands bid in for the county at any time before the expiration of the period of redemption on such terms as to him shall seem for the best interests of the county. If any such tax sale certificate shall not have been sold or assigned prior to the expiration of the period of redemption the treasurer shall issue to the board of supervisors of the county a deed or deeds for all of the lands described therein remaining unredeemed. The title thus acquired by said board shall be held by it in trust for said county of Onondaga and may be disposed of by it at such times, in such manner and on such terms as shall be determined by a majority thereof at any regular or special session thereof. After the said board of supervisors have acquired the title in fee to any lands sold for taxes in said county, such lands shall be exempt while so owned by said county from all taxes; and the county treasurer of said county is hereby directed to prepare and present to the said board of supervisors, on the first day of its annual session in each and every year, a statement designating such lands, and the said board of supervisors are

Sale of
lands.

Purchases
for county.

Sale or
assignment
of certifi-
cate.

Deed to
county.

Exemption
from
taxation.

hereby authorized and directed to strike such lands from the tax roll of the city or town in which the same are situated.

§ 2. Section eight of said chapter as amended by chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-nine and chapter three hundred and eighty-one of the laws of nineteen hundred and one is hereby further amended to read as follows:

Redemption of land.

§ 8. The owner, occupant or any other person, at any time within two years after the last day of such sale, and the holder of any mortgage on any such real estate heretofore or hereafter sold for taxes as aforesaid, at any time prior to the expiration of one year after the recording of the county treasurer's conveyance thereof, may redeem the same by paying to the county treasurer, for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate of sale together with the interest thereon at the rate of twelve per centum per annum to be calculated from the date of such certificate and the amount of all taxes and assessments thereon, paid by him subsequent to the date of such certificate and prior to such redemption, a statement of which shall have been filed with the county treasurer. The holder of any mortgage upon real estate sold for taxes who shall redeem the same shall have a lien upon the premises redeemed for the amount so paid with interest from the time of payment in like manner as if it had been included in the mortgage. Any person may redeem an undivided part of any tract, lot or piece of land so sold, or an undivided share in any tract or lot of land out of which an undivided part shall have been sold, by paying such proportion of the purchase money and interest as shall be in proportion to the part or share of the lands sold which he shall claim. Any person may redeem a specific part of any tract, lot or piece of land so sold, or lot of land out of which an undivided part may have been sold for taxes charged on the whole tract or lot, by paying such proportion of the purchase money and interest as his quantity of acres shall bear to the whole quantity of acres sold, or to the whole quantity taxed. Any person may exonerate the owner of a specific part of any tract or lot of land out of which a specific part belonging to some other person shall have been sold for taxes charged on the whole tract or lot, from all liability to contribute to the owner of the part sold by paying to

Partial redemption.

the county treasurer at any time before the expiration of the time allowed for the redemption thereof, such proportion of the purchase money and interest as the quantity of acres of the former shall bear to the whole quantity taxed, and such payment shall operate as a redemption of his proportionate part of the lands sold according to the amount paid. Upon such partial redemption the quantity sold shall be reduced in proportion to the amount paid on such partial redemption and the county treasurer shall convey accordingly. If the lands of one person shall be sold for taxes assessed conjointly on his lands and lands of another, and the latter shall not pay his due proportion required for the redemption of his lands, the former, or any person in his behalf, may redeem the same on paying to the county treasurer the purchase money and interest, and he shall be entitled to recover, after the expiration of the time allowed for redemption, from the other person whose lands were assessed with his, a just proportion of the redemption moneys paid, with interest. Every judgment obtained for any action brought for such purpose shall have priority as against the lands of the defendant therein, on which the tax was assessed, and for which such proportionate part ought to have been paid, over all mortgages, judgments and other liens, if at the time of docketing such judgment the plaintiff cause an entry to be made by the clerk in the docket thereof, specifying that such judgment has such priority pursuant to this act, which entry shall be a part of the docket. In all such actions the certificate of the county treasurer stating the facts in relation to such redemption or sale and conveyance, shall be presumptive evidence of all facts therein contained. Neither the owner, occupant nor any other person shall have the right to despoil any lands sold for taxes by the county treasurer of their value, by the removal of buildings or by cutting, removing or destroying timber or other valuable products growing, existing or being thereon at the time of sale. The purchaser of any such lands at the sale thereof by the county treasurer whose bid therefor shall have been fully paid, or his assigns or representatives may at any time before obtaining his deed cause to be served a notice on any person despoiling such lands or interested in such despoliation, either personally or by leaving the same at his residence with any person of suitable age and discretion. The notice shall

Despoliation of
lands.

describe such lands, substantially as sold, shall state that they were sold for taxes by the county treasurer, and that an action to recover the value of the buildings, timber or other products destroyed or removed therefrom, after the date of sale thereof, will be instituted against all persons concerned in such despoliation. If such lands shall not be redeemed, every person engaged or interested in making such despoliation, upon whom a service of the notice shall have been made, shall be liable to pay the holder of the tax sale certificate or tax deed therefor the full value of any building so destroyed or removed therefrom, and of all the timber, or other valuable products so cut or destroyed or removed therefrom, from the date of the sale of such lands to the termination of such action, and may be restrained by injunction from committing any waste thereon. When any real estate shall have been redeemed, as herein provided, the county treasurer shall issue to the person redeeming the same a certificate of redemption, under his hand and seal, properly acknowledged, which shall contain a description of the tax and the property affected. Such certificate of redemption may be recorded in the same manner as a deed and with like effect, and when so recorded shall operate to render void and of no effect, and cancel of record any such certificate of sale and conveyance and any and all transfers and conveyances derived from, through or under any purchaser, at any such sale.

Certificate
of redemption.

§ 3. Section nine of said chapter as amended by chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-nine and chapter one hundred and two of the laws of nineteen hundred and chapter three hundred and eighty-one of the laws of nineteen hundred and one is hereby further amended to read as follows:

Notice of
time for
redemption,
etc.

§ 9. The county treasurer shall, at least three months before the expiration of the time allowed for the redemption of lands sold by him for taxes, cause a notice to be published once in each week for six weeks successively, the last publication to be at least six weeks before the expiration of the time to redeem, in at least two daily newspapers published in said county, containing a list of the lands in such county sold for taxes and unredeemed, specifying particularly every parcel unredeemed and the amount necessary to redeem the same, calculated to the last day in which such re-

demption can be made, and stating that, unless such lands are redeemed by a specified day, they will be conveyed to the purchaser. The expense of such publication shall be a county charge. Proof of due publication of such notice shall, within twenty days after the last publication, be made and filed and recorded in the office of the clerk of said county, who shall cause the same to be properly indexed. Until said notice of expiration of time to redeem shall have been published, as herein provided, the time to redeem shall not be deemed to have expired. No error or imperfection in said notice as published shall in any way affect the sufficiency or validity of such notice or that of any subsequent proceeding or conveyance based thereon. No other, further or different notice of the expiration of the time to redeem shall be required to be published, served upon or given to any person whatever. If such real estate sold for taxes, or any portion thereof, be not redeemed, as herein provided, the county treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, and unredeemed, which shall vest in the grantee an absolute estate in fee, free from all liens, claims and encumbrances of every name and nature whatsoever, subject only to the right of redemption on the part of the holder of a mortgage, as provided herein, and to such claims as the county may have thereon for taxes. The county treasurer shall be entitled to demand and receive from the purchaser one dollar for preparing every such conveyance. All purchases made for the county shall be included in one conveyance for which the county treasurer shall receive ten dollars.

Convey-
ance to
purchaser.

§ 4. This act shall take effect immediately.

Chap. 101.

AN ACT to amend the tax law, in relation to the taxable transfers of property.

Became a law, March 6, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and twenty-eight of chapter nine hundred and eight of the laws of eighteen hundred and

ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter one hundred and seventy-three of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 228. **Liability of certain corporations to tax.**—If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county or the state comptroller on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets of a decedent, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the state comptroller at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person or persons deliver or transfer any securities, deposits or other assets of the estate of a non-resident decedent including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax and penalty which may thereafter be assessed on account of the delivery or transfer of such securities, deposits, or other assets including the shares of the capital stock of or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, under the provisions of this article, unless the state comptroller consents thereto in writing. And it shall be lawful for the said state comptroller, personally, or by representative, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice and to allow such examination, and to retain a sufficient portion or amount to pay

such tax and penalty as herein provided, shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of three times the amount of the tax and penalty due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer; and the payments as herein provided shall be enforced in an action brought in accordance with the provisions of section two hundred and thirty-five of this chapter.

§ 2. This act shall take effect immediately.

Chap. 102.

AN ACT to incorporate the Federation of American Zionists.

Became a law, March 6, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Richard Gottheil of New York, H. Pereira Mendes of New York, Marcus Jastrow of Pennsylvania, Moses S. Margolies of Massachusetts, Sabatai Schaffer of Maryland, Leon Zolotkoff of Illinois and Isidore D. Morrison of New York, and such other persons as are now members of an association called the Federation of American Zionists, and such other persons as may hereafter become members thereof, are hereby created a body politic and corporate, by the name, style and title of Federation of American Zionists, to be composed of a board of incorporation as follows: A president, ten vice-presidents, and honorary secretary and honorary treasurer, and twelve councillors, who shall be elected at such time and in such manner as the constitution and by-laws provide.

Corporators.

Corporate name.

§ 2. The objects of said corporation shall be as set forth in their constitution, namely, first, to foster the national idea in Israel; second, to co-operate with other Zionist societies, in their endeavor to obtain for the Jewish nation a publicly legally assured home in Palestine; third, to unite all Zionist societies of

Objects of corporation.

the United States; fourth, to act as the medium of communication between the Zionist congress, through its central committee, and the Zionist societies in the United States; fifth, to foster the knowledge of Hebrew as a living language; sixth, to publish periodical publications for the furtherance of the cause of Zionism.

Grants and
gifts to cor-
poration.

§ 3. The said corporation by that name shall succeed to the rights and the property of the Federation of American Zionists, an unincorporated association now existing under the laws of this state, and shall have and enjoy perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere in this state, and shall be able and capable in law and equity to take, purchase, hold and receive to it and its successors for the use of said association any lands, tenements and hereditaments, goods, chattels, sum or sums of money by grant, gift, bargain and sale, will, devise or bequest, from any person or persons, whatsoever, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use of the association, and in general to do all things which may be lawful or necessary for the well being and proper management of the said corporation, provided that the real estate of the said corporation shall not at any time exceed the lawful amount which it may hold as a body corporate.

Powers of
corporation.

§ 4. The said corporation shall have the power to grant dispensations or charters to subordinate societies of the Federation of American Zionists to suspend and revoke the same for proper causes according to the regulations, by-laws, rules and constitutions adopted to govern the same or which may be necessary for the government and promotion of the principles of said association, to have supervision over all subordinate bodies and to establish a general fund according to its constitution.

Officers.

§ 5. The present officers of the said association shall continue in their respective offices until an election shall be held under this act, and the constitution and by-laws now in force shall be good and valid until altered, amended or abrogated by the said corporation.

Corporate
seal.

§ 6. The said Federation of American Zionists as incorporated shall have power to make and use a common and corporate seal, and to alter, destroy and renew the same at pleasure, and to

elect and appoint such officers of said association as said corporation may think necessary, and they shall be elected and appointed at such time and place, and in such manner as the constitution and by-laws of said corporation may direct.

§ 7. This act shall take effect immediately.

Chap. 103.

AN ACT to amend the penal code in relation to the age of children charged with crime.

Became a law, March 6, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and ninety-nine of the penal code is hereby amended so that it shall read as follows:

§ 699. Where a male person between the ages of sixteen and twenty-one years is convicted of a felony, or where the term of imprisonment of a male convict for felony is fixed by the trial court at one year or less, the court may direct the convict to be imprisoned in a county penitentiary, instead of a state prison, or in the county jail located in the county where sentence is imposed. Whenever a child under the age of sixteen years is charged with perpetration of a crime, other than a capital crime, which, if committed by an adult, would be a felony, the child shall, in the discretion of the court, be tried as for a misdemeanor, and the court, magistrate or tribunal before whom such trial is held, shall impose the penalty as prescribed by law in the case of misdemeanors.

§ 2. This act shall take effect immediately.

Chap. 104.

AN ACT for the reorganization and reincorporation of the Syracuse women's hospital and training school for nurses and for a change of its corporate name to "Syracuse hospital for women and children."

Became a law, March 7, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate
name.

Corpora-
tors.

Section 1. That said corporation, the Syracuse women's hospital and training school for nurses, be and the same is hereby continued and constituted a new corporation by the name of the Syracuse hospital for women and children; that for that purpose, the present trustees of the Syracuse women's hospital and training school for nurses, to wit: Annah S. T. Halcomb, Dora G. S. Hazard, Ellen S. Tracy, Jessie L. Crouse, Cornelia S. Bigelow, Katharine M. Kenyon, Katharine C. Trump, Gertrude W. Belden, M. Ophelia King, Sarah M. Noxon, Marilla G. Guttman, Blanche L. Leiter, Zullah S. Stone, Florence D. Vann, Lily J. Wicks, Anna B. White, Mary S. Dey, Amelia Rule, Ada S. Dension, Jane G. Hurst, Kate S. White, Lucy P. Nettleton, May E. Dunnels, Jessie C. Bull, Jane M. Bartels and their successors, shall be and forever remain a body politic and corporate, in fact and in name, by the name of the Syracuse hospital for women and children. Such reincorporation of the Syracuse women's hospital and training school for nurses shall be deemed a continuation of its corporate existence under the name of the Syracuse hospital for women and children, without affecting its property rights or its liabilities, or the liabilities of its members or officers as such, but thereafter it shall have only such rights, powers and privileges, and be subject only to such other duties, liabilities and limitations as a corporation created for the same purposes under the membership corporations law.

Powers of
corpora-
tion.

§ 2. Said corporation shall have power to take by purchase, gift, grant, bequest, devise, or in any other manner, and to hold any real and personal property and estate whatsoever to an amount not exceeding the value of three million dollars, or

less, or the yearly income derived from which estate shall be five hundred thousand dollars, or less, and may grant, bargain, sell, demise, mortgage, improve and dispose of said property.

§ 3. The object of said corporation is, and shall be, the establishment and maintenance of a general hospital for women and children and a school for the training of nurses, to be located in the city of Syracuse, for benevolent and charitable purposes.

Objects of
corpora-
tion.

§ 4. The affairs of such corporation shall be conducted by a board of trustees, subject to the provisions of this act; the present trustees of the Syracuse women's hospital and training school for nurses shall become and be trustees of the Syracuse hospital for women and children, and hold their office during the full term for which they have heretofore been respectively elected or appointed, and until the annual meeting of said board next following the expiration of such term, or until their successors are elected or appointed.

Board of
trustees.

§ 5. The number of trustees shall be twenty-six, and they shall be elected at such times, and for such terms as shall be fixed by the constitution and by-laws of said last mentioned corporation. Seven trustees shall constitute a quorum of the board of trustees for the transaction of all business, but a number less than a quorum may adjourn. Seven members of said corporation shall constitute a quorum for the transaction of all business at the meetings of said association, but a number less than a quorum may adjourn a meeting of the association.

Quorum.

§ 6. All the real and personal estate, and all the interest in any real or personal property or estate, of every name and nature whatsoever, and whatsoever the same may be, which is now vested in the Syracuse women's hospital and training school for nurses, as now constituted and organized, or which shall hereafter be or become vested in said last mentioned corporation, is hereby confirmed to, and vested forever, in the Syracuse hospital for women and children, as hereby constituted, for the sole use and benefit of said hospital, and any debt, demand, liability, obligation or contract, incurred or entered into by said Syracuse women's hospital and training school for nurses, prior to the passage of this act, shall remain and be as valid and may be enforced by or against said Syracuse hospital for women and children, as hereby constituted, in the same manner and with the same effect as if this act had not been passed.

§ 7. The said corporation, the Syracuse hospital for women and children, shall possess the powers conferred by, and be subject to the provisions of the general corporation law, and the membership corporations law, so far as the same are applicable, and subject to the act entitled "An act relating to wills," being chapter three hundred and sixty of the laws of eighteen hundred and sixty.

§ 8. This act shall take effect immediately.

Chap. 105.

AN ACT to amend the highway law, relative to commutation of highway labor.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-two of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter five hundred and seventy-nine of the laws of eighteen hundred and ninety-five, chapter nine hundred and seventy-three of the laws of eighteen hundred and ninety-six, chapter three hundred and thirty-four of the laws of eighteen hundred and ninety-seven, chapter three hundred and forty-five of the laws of eighteen hundred and ninety-nine and chapter one hundred and fifty-three of the laws of nineteen hundred, is hereby amended to read as follows:

§ 62. **Commutations.**—Every person and corporation shall work the whole number of days for which he or it shall have been assessed, except such days as shall be commuted for, at the rate of one dollar per day and such commutation money shall be paid to the overseers of highways of the district in which the labor shall be assessed, within at least twenty-four hours before the time, when the person or corporation is required to appear and work on the highways; but any corporation must pay its commutation money to the commissioners of highways of the town, who shall pay the same to the overseers of the districts, respectively, in which the labor commuted for was assessed except in the counties of Rensselaer, Chemung,

Onondaga, Columbia, Otsego, Chautauqua, Chenango, Madison, Wayne, Erie, Franklin, Sullivan, Tioga, Saratoga, Broome, Orange, Ontario, Genesee, Essex, Schenectady, Livingston, Schuyler, Monroe, Oneida, Niagara, Orleans, Saint Lawrence, Oswego, Clinton and Jefferson where such commutation money shall be paid on or before the first day of June in each year to the commissioner or commissioners of highways of the town in which the labor shall be assessed, and such commutation money shall be expended by the commissioner or commissioners of highways upon the roads and bridges of the town as may be directed by the town board.

§ 2. This act shall take effect immediately.

Chap. 106.

AN ACT to amend section eighty-three of the code of civil procedure relating to the duties of stenographers.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-three of the code of civil procedure is hereby amended to read as follows:

§ 83. General duty of stenographers; notes when to be filed.—Each stenographer specified in this act must, take full stenographic notes of the testimony and of all other proceedings in each cause tried or heard. The court, or a judge thereof, may, in its or his discretion, upon or without an application for that purpose make an order directing the stenographer to file with the clerk, forthwith or within a specified time, the original stenographic notes taken upon a trial or hearing, whereupon the stenographer must file the same accordingly. Such stenographer shall take complete stenographic notes of each ruling or decision of the presiding judge, and when the trial is by jury each and every remark or comment of such judge during the trial, when requested so to do by either party, together with each and every exception taken to any such ruling, decision, remark or comment by or on behalf of any party to the action. In case of an appeal, every remark or comment of such judge

during the trial, duly excepted to, shall be the subject of review, but the case and exceptions on appeal shall be settled by the trial justice as now provided by law. After any such ruling, decision, remark or comment has been made the same shall not be altered or amended by the stenographer, or the judge presiding at the trial without the consent of the party excepting thereto whether the same is made during the charge of the court to the jury or at any other time during the trial. The stenographer shall, upon the payment of his fees allowed by law therefor, furnish a certified transcript of the whole or any part of his minutes, in any case reported by him, to any party to the action requiring the same.

§ 2. This act shall take effect immediately.

Chap. 107.

AN ACT to amend chapter five hundred and sixty-two of the laws of eighteen hundred and ninety, entitled "An act to revise the charter of the village of Alden," in relation to the powers of treasurer.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen of title two of chapter five hundred and sixty-two of the laws of eighteen hundred and ninety, entitled "An act to revise the charter of the village of Alden," is hereby amended so as to read as follows:

§ 16. The treasurer of the village is its chief fiscal officer. He shall receive all moneys belonging to the village, and keep an accurate account, of all receipts and expenditures thereof, showing the funds for which, and the persons from whom, such moneys are received, and the funds from which, and the persons to whom, such moneys are paid. He shall deposit all moneys received by him in the banks designated by the board of trustees, subject to his check, as treasurer. Interest on village money belongs to the village, and must be credited by the treasurer to the proper fund. No money shall be paid from the treasury of the village, except in pursuance of a judgment or order of a

Treasurer,
his duties.

Moneys,
how drawn
from
treasury.

court, or an audit and allowance by the board of trustees, and an order designating the fund, signed by the president and countersigned by the clerk, or by an order of the board of water commissioners, signed by the president and countersigned by the clerk of the said board of water commissioners upon a fund within its jurisdiction. The treasurer shall not draw any money so deposited by him, except in pursuance of such judgment or order. He shall report, in writing, to the board of trustees when requested, the amount of money received by him since his last report, the sources thereof, and the true state of the treasury, which reports shall be filed with the village clerk. He shall, on or before the fifth day of February in each year, file with the village clerk an accurate, detailed and verified statement, showing all moneys paid into the village treasury during the previous fiscal year, the persons by whom, and the funds for which, the same were paid, all expenditures from the treasury during such year, the persons to whom, and the funds from which, such moneys were paid, the balance in the treasury to the credit of each fund at the commencement and at the end of the fiscal year, and all indebtedness of the village outstanding, to whom, so far as practicable, the same is owing, upon what account, and when payable. The treasurer shall make such further reports as may be required by the board of trustees.

Annual
financial
statement.

Reports.

§ 2. This act shall take effect immediately.

Chap. 108.

AN ACT to amend chapter four hundred and sixteen of the laws of nineteen hundred, entitled "An act to establish a state hospital in some suitable location in the Adirondacks for the treatment of incipient pulmonary tuberculosis, and making an appropriation therefor," in relation to the reception and maintenance of free patients.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of chapter four hundred and sixteen of the laws of nineteen hundred, entitled "An act to

establish a state hospital in some suitable location in the Adirondacks for the treatment of incipient pulmonary tuberculosis, and making an appropriation therefor," is hereby amended to read as follows:

§ 13. **Free patients.**—The trustees of said hospital to be appointed under and pursuant to the provisions of this act, and their successors, are hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the hospital who has not been a citizen of this state for at least one year preceding the date of application. Every person desiring free treatment in said hospital shall apply to the local authorities of his or her town, city or county having charge of the relief of the poor, who shall thereupon issue a written request to the superintendent of said hospital for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the hospital, which request and statement shall be kept on file by the superintendent of the hospital. Such requests shall be filed by the superintendent in a book kept for that purpose in the order of their receipt by him. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies caused by death or removal, the said superintendent shall thereupon issue a request to an examining physician, appointed as provided for in section twelve, in the same city or county, and if there be no such examining physician in said city or county then to the nearest examining physician, for the examination by him of said patient. Upon the request of such superintendent said examining physician shall examine all persons applying for free admission and treatment in said institution, and determine whether such persons applying are suffering from incipient pulmonary tuberculosis. No person shall be admitted as a patient in said institution without the certificate of one of said examining physicians certifying that such applicant is suffering from incipient pulmonary tuberculosis, and if upon the reception of a person at such hospital, it is found by the authorities thereof that he is not suffering from incipient pulmonary tuberculosis, or is suffering from pulmonary tuberculosis in such an advanced stage as to prevent his deriving any benefit from care and

treatment at such hospital, he shall be returned to the place of his residence, and the expense of transportation to and from the hospital shall be paid by said local authorities. Admissions to said hospital shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the superintendent of said hospital, in so far as such applicants are subsequently certified by the said examining physician to be suffering from incipient pulmonary tuberculosis. Every person who is declared as herein provided to be unable to pay for his or her care or treatment shall be transported to and from the hospital at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the municipality which would otherwise be chargeable with the support of such poor or indigent person; and the expense of transportation, treatment and maintenance shall be a county, city or town charge, as the case may be.

§ 2. Section fifteen of such chapter is hereby amended to read as follows:

§ 15. **Support of free patients.**—At least once in each month the superintendent of the hospital shall furnish to the comptroller a list countersigned by the treasurer of the hospital of all the free patients in the hospital, together with sufficient facts to enable the comptroller to collect from the proper local official having charge of the relief of the poor such sums as may be owing to the state for the examination, care, treatment and maintenance of the patients who have been received by the hospital and who are shown by the statement of such local official to be unable to pay for their care, treatment and maintenance. The comptroller shall thereupon collect from the said local official the sums due for the care, treatment and maintenance of each such patient at a rate not exceeding five dollars per week for each patient.

§ 3. This act shall take effect immediately.

Chap. 109.

AN ACT to amend chapter fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to incorporate the Buffalo merchants' exchange", and the acts amendatory thereof and supplementary thereto.

Became a law, March 12, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter fifty-nine of the laws of eighteen hundred and eighty-two, entitled "An act to incorporate the Buffalo merchants' exchange," as amended by chapter four hundred thirty-two of the laws of eighteen hundred and eighty-four, chapter five hundred forty-nine of the laws of eighteen hundred and eighty-seven and chapters nine and two hundred seventy-eight of the laws of eighteen hundred and ninety-one, is hereby amended so as to read as follows:

Powers of
corpora-
tion.

§ 11. Said corporation may make provision for the widows and families of deceased members, and shall have power to create a gratuity fund, whereby a gratuity may be provided for the representatives of a deceased member. Such members of said corporation as shall agree thereto may be assessed such sums as shall be provided in the by-laws of said corporation, upon the death of any such member, which sum, or such proportion thereof as the by-laws may provide, and such proportion of the surplus income of said corporation as the by-laws provide, may be paid to the widow, children, next of kin, or other person dependent upon said deceased member, in such manner as the said by-laws shall prescribe. But no such assessment shall be made upon, and no such payment shall affect the proportionate share in the property of such corporation of any member not consenting thereto. The trustees of said corporation, however, may at any time terminate said gratuity fund and repeal the by-laws relating thereto; and they shall distribute the assets which have accumulated under the operation of said by-laws, after paying all expenses and liabilities of said gratuity fund, amongst the members thereof and the Buffalo merchants' exchange, pro rata and in

Distribu-
tion of
assets.

proportion to the amount paid into said gratuity fund by such member and the said Buffalo merchants' exchange upon securing the written consent of the surviving members of such gratuity fund.

§ 2. This act shall take effect immediately.

Chap. 110.

AN ACT to amend chapter one hundred and sixty of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Montour Falls, in the town of Montour, county of Schuyler, and to repeal its present charter," relative to duties of collector.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-nine of chapter one hundred and sixty of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Montour Falls, in the town of Montour, county of Schuyler, and to repeal its present charter," is hereby amended to read as follows:

§ 39. Upon the delivery to him of any such roll and warrant, the collector shall deposit with the village clerk a copy of the warrant, with his receipt endorsed thereon, acknowledging the reception by him of the original roll and warrant, and thereupon shall proceed to receive and collect the taxes in said roll specified. It shall be his duty immediately to publish notice, by posting the same in three public places in said village, designating some convenient place within the village, for receiving payment of taxes, for thirty days next after a day in said notice to be specified. And any person may pay his taxes at the time and place so designated, on paying one per centum fees thereon. Such collector shall not receive over one per centum for receiving and collecting any taxes within the said thirty days, and thereafter he shall proceed to collect the unpaid taxes in his roll specified, in the manner provided by law for county taxes, and shall have

Duty of
village
collector.

Notice of
receiving
tax.

Collector's
fees.

Powers of
collector.

and possess the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys, collected by him to the village treasurer, and take his receipt therefor. The collector shall make returns to the village board of trustees of the amount collected and paid over by him, and of the taxes remaining unpaid, and by making return on oath to the trustees similar in all respects to the oath required by law of the collector of county taxes, he shall be credited by the trustees with the amount so remaining due and unpaid. Upon all taxes collected after said thirty days, such collector shall be entitled to collect and receive five per centum for his fees.

§ 2. This act shall take effect immediately.

Chap. 111.

AN ACT to amend the forest, fish and game law in relation to the taking or possession of plover and other birds.

Became a law, March 12, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty of chapter twenty of the laws of nineteen hundred, as amended by chapter ninety-one of the laws of nineteen hundred and one, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 30. Plover and other birds; close season.—Wilson, (called English snipe,) yellow legs, plover, rail, mud-hen, gallinule, surf-birds, curlew, water-chicken, jack-snipe, bay-snipe or shore birds, shall not be taken or possessed from May first to August thirty-first, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 112.

AN ACT to amend the tax law in relation to the taxation of special franchises as real property.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-two of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as added by chapter seven hundred and twelve of the laws of eighteen hundred and ninety-nine and amended by chapter two hundred and fifty-four of the laws of nineteen hundred, is hereby amended to read as follows:

§ 42. **Assessment of special franchises.**—The state board of tax commissioners shall annually fix and determine the valuation of each special franchise subject to assessment in each city, town, or tax district. After the time fixed for hearing complaints the tax commissioners shall finally determine the valuation of the special franchises, and shall file with the clerk of the city or town in which said special franchise is assessed a written statement duly certified by the secretary of the board of the valuation of each special franchise assessed therein as finally fixed and determined by said board; such statement of valuation shall be filed with the town clerk of the respective towns within thirty days next preceding the first day of July in each year; and with the clerks of cities of the state within thirty days before the date set opposite the name of each city in the following schedule. In the city of New York such statement shall be filed with the department of taxes and assessments.

SCHEDULE OF DATES FOR FILING OF ASSESSMENTS OF SPECIAL FRANCHISES.

Name of city.	Date.
Rochester,	April first.
Jamestown,	April first.
Ithaca,	April first.
Buffalo,	April first.
Gloversville,	April first.

Name of city.	Date.
Auburn,	May first.
New York city	April first.
Schenectady,	June first.
Corning,	June first.
Hornellsville,	June first.
Oswego,	June first.
North Tonawanda,	July first.
Olean,	July first.
Syracuse,	July first.
Cohoes,	July first.
Ogdensburg,	July first.
Dunkirk,	July first.
Troy,	July first.
Rome,	July first.
Watertown,	July first.
Elmira,	July first.
Lockport,	July first.
Utica,	July first.
Poughkeepsie,	July first.
Little Falls,	July first.
Watervliet,	July first.
Niagara Falls,	July first.
Kingston,	July first.
Newburgh,	July first.
Hudson,	July first.
Amsterdam,	July first.
Binghamton,	July first.
Geneva,	July first.
Middletown,	July first.
Johnstown,	July first.
Yonkers,	October first.
New Rochelle,	October first.
Albany,	October first.
Mount Vernon,	October first.
Rensselaer,	July first.
Oneida,	October first.
Cortland,	October first.

Each city or town clerk shall, within five days after the receipt by him of the statement of assessment of a special fran-

chise by the state board, deliver a copy of such statement certified by him to the assessors or other officers charged with the duty of making local assessments in each tax district in said city or town and to the assessors of villages and commissioners of highways within their respective towns and villages. The valuations of every special franchise as so fixed by the state board shall be entered by the assessors or other officers in the proper column of the assessment roll before the final revision and certification of such roll by them, and become part thereof with the same force and effect as if such assessment had been originally made by such assessor or other officer. If a special franchise assessed in a town is wholly within a village, the valuation fixed by the state board for the town shall also be the valuation for the village. If a part only of such special franchise is in a village, or is in a village situated in more than one tax district, it shall be the duty of the village assessors to ascertain and determine what portion of the valuation of such franchise, as the same has been fixed by the state board, shall be placed upon the tax roll for village purposes. The valuation apportioned to the town shall be the assessed valuation for highway purposes, and in case part of such special franchise shall be assessed in a village and part thereof in a town outside a village, the commissioners of highways of the town and village shall meet on the third Tuesday in August in each year and apportion the valuation of such special franchises between such town outside the village and such village for highway purposes. In case of disagreement between them the decision of the supervisor of the town shall be final. The town assessors shall make an apportionment among school districts at the time and in the manner required by section thirty-nine of this chapter. The valuation so fixed by the state board shall be the assessed valuation on which all taxes based on such special franchise in the city, town or village for state, municipal, school or highway purposes shall be levied during the next ensuing year. It shall not be necessary for the state board of tax commissioners to give notice to any person, copartnership, association or corporation of the valuation of a special franchise located in any village for village purposes except in a case where such valuation is required to be made for such

village purposes by the state board of tax commissioners. The assessors or other taxing officer, or other local officer in any city, town or village, or any state or county officer, shall on demand furnish to the state board of tax commissioners any information required by such board for the purpose of determining the value of a special franchise.

§ 2. This act shall take effect immediately.

Chap. 113.

AN ACT to amend chapter six hundred and forty-three of the laws of eighteen hundred and ninety-nine, relating to the repayment of installments of assessments on account of the opening of Prospect avenue in the former town of Flatbush, city of New York.

Accepted by the city.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter six hundred and forty-three of the laws of eighteen hundred and ninety-nine entitled "An act in relation to the opening of the highway or avenue known as Prospect avenue, in the former town of Flatbush, Kings county, now a part of the city of New York," is hereby amended to read as follows:

Payment of
assessment.

§ 2. The owner or owners of any piece or parcel of land within the said district of assessment may, if they so elect, pay the whole one-third of such assessment with which said piece or parcel of land is hereby charged, within six months from the passage of this act, in full discharge of said land from the assessment now thereon. If the owner or owners of the land aforesaid so elect, the payments may be made in annual installments during the period of ten years and six months next after the passage of this act. Where the owners elect to pay in installments, interest at the rate of seven per centum per annum shall be charged upon each installment from and after six months from the passage of this act until the same shall be

Annual
install-
ments.

paid. After said assessment has been laid as reduced by this act, the comptroller of the city of New York is hereby authorized and directed to repay to any person or corporation, who, as owner of the premises assessed, has paid an original assessment for said improvement prior to said reduction, a sum of money equal to the difference between the amount so paid, including interest or default, and the amount of such assessment as reduced by this act.

Comptroller
authorized
to repay
money.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 114.

AN ACT to amend sections twenty-six hundred and twenty and twenty-six hundred and thirty-five, of the code of civil procedure, relating to the withdrawal of original wills from surrogates' offices.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two thousand six hundred and twenty of the code of civil procedure is hereby amended so as to read as follows:

§ 2620. Proof of handwriting.—If all the subscribing witnesses to a written will are, or if a subscribing witness, whose testimony is required, is dead, or incompetent, by reason of lunacy or otherwise, to testify or unable to testify; or if such a subscribing witness is absent from the state; or if such a subscribing witness has forgotten the occurrence, or testifies against the execution of the will; the will may nevertheless be established, upon proof of the handwriting of the testator, and of the subscribing witnesses, and also of such other circumstances, as would be sufficient to prove the will upon the trial of an action. Where a subscribing witness is absent from the state, upon application of either party, the surrogate shall cause the testimony of such witness to be taken by commission, when

it is made to appear that by due diligence such testimony may be obtained. Where a written will is proved, as prescribed in this section, it must be filed and remain in the surrogate's office. But when it shall be shown, by affidavit or otherwise, to the satisfaction of the surrogate, that the decedent left real or personal property in another state or territory of the United States or in a foreign country, and that the laws of such state, territory or country require the production of the original will before the provisions thereof become effective, the surrogate may, at any time after probate, and upon such notice to the parties interested in the estate as he may think proper, cause any original will remaining on file in his office to be sent by post or otherwise to any court which, or to any officer of such state, territory or country who, under the laws thereof, is empowered to receive the same for probate, or may deliver such will to any person interested in the probate thereof in such state, territory or country, or to his representative, upon such terms as he shall think proper for the protection of other parties interested in the estate. Where in any matter before the surrogate or in a surrogate's court the testimony of any witness shall be taken by or on commission, the same, together with the commission on which it is taken, shall be duly filed in the office of the surrogate but need not be recorded. The testimony or other proceeding duly taken to be used before the surrogate or surrogate's court, by a stenographer, shall be filed and need not be recorded.

§ 2. Section two thousand six hundred and thirty-five of the code of civil procedure is hereby amended so as to read as follows:

§ 2635. **Wills to be returned after probate.**—Except where special provision is otherwise made by law, or where the surrogate sends a will into another state or territory or into a foreign country, or delivers it to a party in interest, as provided in section two thousand six hundred and twenty of this act, a written will, after it has been proved and recorded, must be retained by the surrogate, until the expiration of one year after it has been recorded, and, if a petition for the revocation of probate thereof is then filed, until a decree is made thereupon. It must then be returned, upon demand, to the person who delivered it, unless he is dead, or a lunatic, or has removed from

the state; in which case, it may, in the discretion of the surrogate, be delivered to any person named therein as devisee, or to an heir or assignee of a devisee; or, if it relates only to personal property, to the executor, or administrator, with the will annexed, or to a legatee.

§ 3. This act shall take effect immediately.

Chap. 115.

AN ACT to amend chapter seven hundred and sixty-nine of the laws of eighteen hundred and ninety-six, entitled "An act to provide for supplying the village of White Plains with water and authorizing the issue of bonds therefor, and to create a board of water commissioners for said village," in regard to balloting for water commissioners.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter seven hundred and sixty-nine of the laws of eighteen hundred and ninety-six, entitled "An act to provide for supplying the village of White Plains with water and authorizing the issue of bonds therefor, and to create a board of water commissioners for said village" is hereby amended so as to read as follows:

§ 1. The following five persons, to wit, William Hunt Gedney, John P. Moran, John M. Digney, George A. Thompson and Jeremiah T. Lockwood, are hereby designated and entitled the board of water commissioners of the village of White Plains. Three of said commissioners shall hold their offices for three years and two of them for two years, respectively, from the first day of January succeeding the next annual election of village officers for said village, after the passage of this act, and until others shall be chosen to fill their places. The term of office of each, of said commissioners shall be determined between them by casting lots as hereinafter provided. At the expiration of the terms so drawn, respectively, and at each annual election in said village thereafter, when the time of any commis-

Board of water commissioners.
Terms of commissioners.
Election.

**Vacancies,
how filled.**

sioner or commissioners shall expire, commissioners shall be elected to fill the vacancies then existing, who shall hold their office for two years, and shall be taxpayers of the village of White Plains and residents of the said town or village. They shall be ballotted for on the same ballot as the other elective officers of said village and shall be canvassed and the result declared in the same manner as is provided for the canvass of the ballots for other elective officers of said village. If any vacancy shall occur in the office of the commissioner by death, resignation, removal from said village or other cause the same shall be filled by appointment by the board of trustees of the village, and the person or persons so appointed shall hold said office for the residue of the term of the commissioner for whose vacancy such appointment shall be made.

§ 2. This act shall take effect immediately.

Chap. 116.

AN ACT to amend the penal code in relation to increasing the time of imprisonment for unsuccessful attempts to commit a crime.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and eighty-six of the penal code of the state of New York is hereby amended to read as follows:

§ 686. A person who unsuccessfully attempts to commit a crime is indictable and punishable, unless otherwise specially prescribed by statute, as follows:

1. If the crime attempted is punishable by the death of the offender, or by imprisonment for life, the person convicted of the attempt is punishable by imprisonment for not more than twenty-five years.

2. In any other case, he is punishable by imprisonment for not more than half of the longest term, or by a fine not more than one-half of the largest sum prescribed upon a conviction

for the commission of the offense attempted, or by both such fine and imprisonment.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 117.

AN ACT to amend the poor law, authorizing the supervisor of a town to accept conveyances of real property and to mortgage and convey the same.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article eight of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," is hereby amended by adding at the end thereof a new section to be known as section one hundred and forty-three, and to read as follows:

§ 143. The supervisor of a town may as such official accept a deed or conveyance of real property or mortgage thereon in behalf of the town, and sell and convey such real property or mortgage the same after the expiration of one year from the date of such conveyance or mortgage for the care and maintenance of a poor person. No such deed or conveyance shall be accepted by him, unless by the written consent of the town board given at any regular meeting thereof. Such consent shall be filed in the office of the town clerk. The person or persons giving such deed or mortgage may within one year from the date of such conveyance or mortgage secure a conveyance or cancellation of said deed or mortgage upon payment to said supervisor of the expense incurred by such town for taxes and necessary repairs on said property and also in maintaining such person or persons.

Supervisor
authorized
to accept
convey-
ances.

§ 2. This act shall take effect immediately.

Chap. 118.

AN ACT to amend chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," and the several acts amendatory thereof, in relation to indebtedness.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-three of chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," and the several acts amendatory thereof, are hereby amended to read as follows:

Trustees
authorized
to borrow
money.

§ 63. The trustees shall not be authorized or allowed to issue any bond, give any note, or incur any indebtedness in any form or manner against the corporation, except as provided in this act, or by special acts of the legislature, and authority is hereby conferred upon the board of trustees in behalf of and upon the faith and credit of the village to borrow money temporarily or by creating a funded debt for the purpose of complying with any orders or directions of the board of railroad commissioners of the state of New York regarding changing streets crossing railroads at grade to crossings not at grade including pavement of such crossings or the approaches thereof or thereto; also for the purpose of payment by the village of the cost of repairs and pavement between the tracks, the rails of the tracks and two feet in width outside of the tracks of any street surface railroad corporation using its tracks in any street, avenue or public place in the village upon and after the petition for paving elsewhere required by this act and upon the failure of said railroad corporation or corporations to repair or pave after notice so to do as provided by the general railroad law or upon and after said petition for paving and in accordance with any contract for paving permitted by law with said railroad corporation or corporations; also for the purpose of paying the amount of any judgment or judgments for injuries resulting from negli-

gence recovered against the village; also for the purpose of refunding any bond or bonds now or hereafter issued as provided in the general municipal law. Certificates of indebtedness issued for any of said purposes need not be issued in anticipation of taxes of the current fiscal year and may be in excess of the amount of such taxes and may run after such taxes are paid into the treasury of the corporation and for a longer time than eight months, and may be renewed from time to time as may be necessary, but certificates of indebtedness for any one of said purposes shall not run or be renewed for a longer time than until the total final aggregate amount thereof for that purpose can be ascertained with certainty and for refunding bonds and paying judgments shall not run for a longer time than one year. Certificates of indebtedness for any of said purposes, if other provision for payment shall not have been made by the board of trustees, or if not otherwise paid, must be redeemed and retired by bonds of the village of form and tenor prescribed by the general village law and the general municipal law, but bonds for the cost of change of streets crossing railroads at grade to crossings not at grade may be made payable later than thirty years from date. Bonds issued for any of said purposes or for the redemption of such certificates of indebtedness may be sold by the board of trustees, without providing in the resolution authorizing the same for raising by tax a sum sufficient to pay the interest and principal, as the same shall become due and without a vote of the taxpayers of the village to supply or provide for the same. Bonds shall not be sold or issued for the cost of change of streets crossing railroads at grade to crossings not at grade directed by the board of railroad commissioners of the state of New York or for the cost of pavement or repairs between the tracks, the rails of the tracks and two feet in width outside the tracks of any street surface railroad corporation until the completion of the work, except in accordance with any contract for pavement with said railroad corporation permitted by law, and any sum or sums shall when received on account of such cost or expense be applied to the retirement, redemption or payment of such original indebtedness. Certificates of indebtedness and bonds issued for the purposes specified herein shall not be negotiated for less than par and bonds shall be sold as provided by section one

Certificates
of indebted-
ness.

Bonds,
when pay-
able.

Interest
and princi-
pal to be
paid out of
annual tax
levy.

hundred and twenty-nine of the general village law. The interest on all bonds of the village as the same becomes due shall be paid out of the annual tax levy, and the principal of all bonds as the same becomes due shall be paid out of the annual tax levy or out of moneys hereby authorized to be raised for that purpose by tax in addition to the annual tax levy, or the principal thereof be refunded by new bonds, and in the year nineteen hundred and seven and in each year thereafter there shall be paid by the village upon the principal of its funded debt a sum which shall at least equal three per centum, but not exceed five per centum of the funded debt outstanding December thirty-first of the year preceding, but any excess over such percentage may be paid out of the annual tax levy.

§ 2. This act shall take effect immediately.

Chap. 119.

AN ACT to provide for the holding of county courts in and for the county of Steuben in the city of Hornellsville, New York.

Became a law, March 12, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. County courts in and for the county of Steuben, including terms at which issues of fact are triable by jury, may be held at the city hall in the city of Hornellsville in said county, in addition to the county courts now required by law to be held at the village of Bath and at the city of Corning in said county.

§ 2. The county judge of Steuben county may from time to time appoint such additional trial terms of county court, such appointments to be filed and published as now provided by law, and jurors for such trial terms shall be drawn from the jury districts in which said city of Hornellsville is located.

§ 3. This act shall take effect immediately.

Chap. 120.

AN ACT to amend chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," relative to funds to be raised for certain purposes.

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title six of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," as amended by chapter one hundred and seventeen of the laws of eighteen hundred and ninety-one, chapter thirty-two of the laws of eighteen hundred and ninety-two, chapter two hundred and thirty-six of the laws of eighteen hundred and ninety-three, chapter five hundred and eighty-nine of the laws of eighteen hundred and ninety-four, chapter eight hundred and fifty-eight of the laws of eighteen hundred and ninety-five, chapter three hundred and forty-four of the laws of eighteen hundred and ninety-six, chapter seven hundred and seventeen of the laws of eighteen hundred and ninety-seven and chapter one hundred and eighty-seven of the laws of nineteen hundred, is hereby amended to read as follows:

§ 1. The common council shall have power to cause to be raised, annually, a sum not exceeding eight thousand dollars, to defray the ordinary and contingent expenses of the city; a further sum, not exceeding twenty-five thousand dollars, for salaries; a further sum, not exceeding five thousand dollars, to defray the expenses of elections; a further sum, not exceeding two thousand five hundred dollars, for expenses of public printing; a further sum of not exceeding thirty-five thousand dollars, to defray the expenses of the police department; a further sum, not exceeding thirty thousand dollars, to defray the expenses of the fire department; a further sum, not exceeding ten thousand dollars, to aid in defraying the expenses of a non-sectarian city hospital; a further sum, not exceeding

City charter amended.

Annual city taxes.

six thousand dollars, for expenses of the board of health, and examining and supervising board of plumbers and plumbing; a further sum of not exceeding five thousand dollars, to be paid to the park commissioners of said city, for improvement and management of the parks of the city; a further sum of not exceeding fifty cents for every one hundred dollars of the assessed valuation of the taxable property in said city, to be determined from the last annual assessment roll of said city, to defray the expenses of providing lamps and lighting the city, and of making, grading, repairing and improving the highways, streets, lanes, alleys, bridges, public grounds, sidewalks, crosswalks and gutters in said city; and in addition thereto, such further sum as may be raised for school purposes as provided in title eleven of this act, and such further sum as may be necessary to pay all installments of principal and interest on the public debt of the city of Binghamton coming due during the ensuing year; and such further sum as may be required to pay any judgments outstanding against said city. And out of the contingent fund herein provided, the common council may appropriate and expend, not to exceed five hundred dollars in any one year, in the entertainment of guests of the city, the decoration of public buildings, when deemed advisable, and in carriage hire upon the occasion of any public ceremonies in which said council may participate. But nothing in this section shall prohibit the raising of any further sum, in any one year, for local improvements, as in this act otherwise provided. All sums to be raised by a general tax, in pursuance of this act, shall, except as herein otherwise provided, be assessed and rated upon and among the owners of real and personal estate, incorporated companies and associations named in the revised assessment roll, in proportion to the valuation therein stated, in the same manner and proportion, as near as may be, as taxes in and for the county of Broome are rated and assessed.

Appropriations for entertainments, etc.

Assessment of general tax.

§ 2. This act shall take effect immediately.

Chap. 121.

AN ACT to amend chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," and the several acts amendatory thereof, relative to salaries of aldermen.

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title five of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," as amended by chapter eight hundred and fifty-eight of the laws of eighteen hundred and ninety-five, is hereby further amended so as to read as follows:

§ 1. **Aldermen.**—There shall be one alderman from each ward of said city, who shall be elected as hereinbefore provided, and who shall receive an annual salary of three hundred dollars, payable quarterly.

§ 2. This act shall take effect July first, nineteen hundred and two.

Chap. 122.

AN ACT making an appropriation for the improvement of the cell hall at Sing Sing prison.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following sums, or so much thereof as may be necessary, are hereby appropriated for the improvement of the cell hall at Sing Sing prison: For erection and completion of a fire-proof roof, nineteen thousand one hundred and fifty-nine dollars; for providing and installing large windows, six thousand dollars. Which amounts shall be paid by the treasurer

Appropriation for improvement.

upon the warrant of the comptroller, to be expended under the direction of the superintendent of state prisons.

When available.

§ 2. No part of the several sums appropriated shall be available for any construction, improvement or purchase unless a contract or contracts shall have first been made for the completion of such construction and equipment as the state architect and superintendent of state prisons may decide cannot be advantageously done by convict labor, and the performance of said contracts secured by satisfactory bonds approved by the comptroller, nor until the state architect certifies to the comptroller that in his judgment the balances of the several items of construction and equipment herein provided for can be completed by the use of convict labor within the appropriations therefor.

§ 3. This act shall take effect immediately.

Chap. 123.

AN ACT making an appropriation of moneys collected and due from racing associations for the promotion of agriculture.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

Section 1. The sum of ninety-eight thousand dollars of the amount collected and due from racing associations in pursuance of chapter four hundred and seventy-nine of the laws of eighteen hundred and eighty-seven, as amended by chapter one hundred and ninety-seven of the laws of eighteen hundred and ninety-four, and chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and all acts amendatory thereof or supplemental thereto, is hereby appropriated out of any moneys in the treasury so collected at the time of the distribution thereof as herein provided. Such sum shall be distributed in the manner provided by section eighty-eight of the agricultural law and in the proportion provided therein for the distribution of such moneys, and shall be payable by the treasurer on the warrant of the comptroller on the order of the commissioner of agriculture.

§ 2. This act shall take effect immediately.

Chap. 124.

AN ACT to reappropriate the sum of fifteen hundred dollars, appropriated by chapter four hundred and nineteen of the laws of nineteen hundred for repairs and betterments of the Oriskany monument.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifteen hundred dollars, appropriated by chapter four hundred and nineteen of the laws of nineteen hundred, is hereby reappropriated, to be used for repairs to be made to the monument on the Oriskany battle field, and to the Steuben monument in the county of Oneida, and for fencing said monuments and grading the ground adjacent and the approaches thereto, and to purchase additional land about the Oriskany monument under the direction of the Oneida historical society of Utica, New York. The treasurer shall pay, upon the warrant of the comptroller, issued upon the order of the Oneida historical society, such portion of the sum hereby reappropriated as may be necessary to carry out the provisions of this act.

§ 2. This act shall take effect immediately.

Chap. 125.

AN ACT to amend the forest, fish and game law in relation to the close season of woodcock in the county of Greene.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 24. Woodcock; close season; special.—Woodcock shall not be taken in the counties of Ulster and Greene, from December

sixteenth to September thirtieth, both inclusive; in the county of Rensselaer from December first to September thirtieth, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 126.

AN ACT to amend the tax law, relating to the taxation of the stockholders of banks and banking associations.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax law
amended.

Section 1. Section twenty-four of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter five hundred and fifty of the laws of nineteen hundred and one, is hereby amended to read as follows:

Assessment
of shares of
stock.

§ 24. Bank shares, how assessed.—In assessing the shares of stock of banks or banking associations organized under the authority of this state or the United States, the assessment and taxation shall not be at a greater rate than is made or assessed upon other monied capital in the hands of individual citizens of this state. The value of each share of stock of each bank and banking association shall be ascertained and fixed by adding together the amount of the capital stock, surplus, and undivided profits of such bank or banking association and by dividing the result by the number of outstanding shares of such bank or banking association. The rate of tax upon the shares of stock of banks and banking associations shall be one per centum upon the value thereof, as ascertained and fixed in the manner hereinbefore provided, and the owners of the stock of banks and banking associations shall be entitled to no deduction from the taxable value of their shares because of the personal indebtedness of such owners, or for any other reason whatsoever.

Rate of tax.

Hearing of
complaints.

Complaints in relation to the assessments of the shares of stock of banks and banking associations made under the provisions of this act shall be heard and determined as provided in article

two, section thirty-six, of the tax law. The said tax shall be in lieu of all other taxes whatsoever for state, county or local purposes upon the said shares of stock, and the mortgages, judgments and other choses in action and personal property held or owned by banks and banking associations the value of which enters into the value of said shares of stock, shall also be exempt from all other state, county or local taxation. The tax herein imposed shall be levied in the following manner: The board of supervisors of the several counties shall, on or before the fifteenth day of December in each year, ascertain from an inspection of the assessment rolls in their respective counties, the number of shares of stock of banks and banking associations in each town, city, village, school and other tax district, in their several counties, respectively, in which such shares of stock are taxable, the names of the banks issuing the same, respectively, and the assessed value of such shares, as ascertained in the manner provided in this act and entered upon the said assessment rolls, and shall forthwith mail to the president or cashier of each of said banks or banking associations a statement setting forth the amount of its capital stock, surplus and undivided profits, the number of outstanding shares thereof, the value of each share of stock taxable in said county, as ascertained in the manner herein provided, and the aggregate amount of tax to be collected and paid by such bank or banking association, under the provisions of this act. A certified copy of each of said statements shall be sent to the county treasurer. It shall be the duty of every bank or banking association to collect the tax due upon its shares of stock from the several owners of such shares, and to pay the same to the treasurer of the county wherein said bank or banking association is located, and in the city of New York to the receiver of taxes thereof on or before the thirty-first day of December in said year; and any bank or banking association failing to pay the said tax as herein provided shall be liable by way of penalty for the gross amount of the taxes due from all owners of the shares of stock, and for an additional amount of one hundred dollars for every day of delay in the payment of said tax. Every bank or banking association so paying the taxes due upon the shares of its stock shall have a lien on the shares

Tax in lieu
of all other
taxes.

Tax, how
levied.

Collection
for stock-
holders.

Lien on
shares.

Distribu-
tion of tax.

of stock, and on all property of the several share owners in its hands, or which may at any time come into its hands, for reimbursement of the taxes so paid on account of the several share holders, with legal interest; and such lien may be enforced in any appropriate manner. The tax hereby imposed shall be distributed in the following manner: The board of supervisors of the several counties shall ascertain the tax rate of each of the several town, city, village, school and other tax districts in their counties, respectively, in which the shares of stock of banks and banking associations shall be taxable, which tax rates shall include the proportion of state and county taxes levied in such districts, respectively, for the year for which the tax is imposed, and the proportion of the tax on bank stock to which each of said districts shall be respectively entitled shall be ascertained by taking such proportion of the tax upon the shares of stock of banks and banking associations, taxable in such districts respectively, under the provisions of this act as the tax rate of such tax district shall bear to the aggregate tax rates of all the tax districts in which said shares of stock shall be taxable. The clerk of the several cities, villages and school districts to which any portion of the tax on shares of stock of banks and banking associations is to be distributed under this act shall, in writing and under oath annually, report to the board of supervisors of their respective counties, during the first week of the annual session of such board, the tax rate of such city, village and school district for the year prior to the meeting of each such board. The said board of supervisors shall issue their warrant or order to the county treasurer on or before the fifteenth day of December in each year, setting forth the number of shares of bank stock taxable in each town, city, village, school and other tax district in said county, in which said shares of stock shall be taxable, the tax rate of each of said tax districts for said year, the proportion of the tax imposed by this act to which each of said tax districts is entitled, under the provisions hereof, and commanding him to collect the same, and to pay to the proper officer in each of such districts the proportion of such tax to which it is entitled under the provisions of this act. The said county treasurer shall have the same powers to enforce the collection and payment of said tax as are possessed by the officers now charged by law with

Warrants
for collec-
tion of tax.

Enforce-
ment of col-
lection by
county
treasurer.

the collection of taxes, and the said county treasurer shall be entitled to a commission of one per centum for collecting and paying out said moneys, which commission shall be deducted from the gross amount of said tax before the same is distributed. In issuing their warrants to the collectors of taxes, the boards of supervisors shall omit therefrom assessments of and taxes upon the shares of stock of banks and banking associations. All assessments of the shares of stock of banks and banking associations made on or after January first, nineteen hundred and one, and prior to the passage of this act, shall be null and void, and new assessments thereof shall be made agreeably to the provisions of this act. Provided, that in the city of New York the statement of bank assessment and tax herein provided for shall be made by the board of tax commissioners of said city, on or before the fifteenth day of December in each year, and by them forthwith mailed to the respective banks and banking associations located in said city, and a certified copy thereof sent to the receiver of taxes of said city. The tax shall be paid by the respective banks in said city to the said receiver of taxes on or before the thirty-first day of December in said year, and said tax shall be collected by the said receiver of taxes and shall be by him paid into the treasury of said city to the credit of the general fund thereof. This act is not to be construed as an exemption of the real estate of banks or banking associations from taxation.

Omission of assessments from warrants.

New assessments after Jan. 1, 1901.

Proviso as to New York city.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT to amend chapter two hundred and sixty-one of the laws of eighteen hundred and eighty-five, entitled "An act in relation to the management of the Albany penitentiary," relative to the salary of the keeper of said penitentiary.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter two hundred and sixty-one of the laws of eighteen hundred and eighty-five, entitled "An act

Act amended

in relation to the management of the Albany penitentiary," as amended by chapter seven hundred and sixty-one of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Superin-
tendent of
peniten-
tiary.

Officers and
employees.

Annual
report to
supervisors.

§ 4. The Albany penitentiary commission shall within fifteen days after the tenth day of June, eighteen hundred and ninety-five, and each five years thereafter for a period of five years, appoint a superintendent or principal keeper of the Albany penitentiary whose salary shall be fixed by the said commission and who shall not be engaged in any business or any other occupation or employment. They shall also by general rules fix and prescribe the number of subordinate officers and employees who shall be appointed by said superintendent and their respective salaries and duties. They are also hereby authorized and empowered whenever in their discretion it seems to them to be for the best interests of the county of Albany to dispense with the services of a superintendent or principal keeper of said penitentiary and place the same in the custody, care, management and control of the sheriff of the county of Albany, who shall serve without any extra compensation, and who shall have the same powers and be subject to the same duties as are now prescribed for the superintendent of said penitentiary subject however, to the supervision of the said commission and the duties and powers now conferred on it. The said commission are also authorized and empowered whenever in their discretion it is for the best interests of the county of Albany to discontinue and close said penitentiary and abandon its use as a prison, and to sell the same and all the lands and appurtenances connected therewith in the name of the county of Albany. Said commission shall annually between the first and tenth day of December in each year, present to the board of supervisors of Albany county a report, showing in detail the receipts and disbursements of the year, the respective sources from which money has been received, and the respective purposes for which it has been paid out and also a general summary of the same; the name of each person employed and the salary or compensation paid him or her; the cost of maintaining each prisoner in the penitentiary, and in tabular form the number of prisoners therein each day during the year. Said report shall also contain a statement of the gross and net earnings if any of the penitentiary during the

past year, and the average earnings of the prisoners per capita and such other information as will show the then condition of the penitentiary and the manner of its management during the previous year.

§ 2. This act shall take effect immediately.

Chap. 128.

AN ACT to repeal chapter five hundred and forty-one of the laws of eighteen hundred and sixty-four, and chapter twenty-eight of the laws of eighteen hundred and sixty-nine, relating to additional justices in the town of Granville, in the county of Washington.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and forty-one of the laws of eighteen hundred and sixty-four, entitled "An act to authorize the town of Granville, in the county of Washington, to elect one additional justice of the peace," and chapter twenty-eight of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the town of Granville, in the county of Washington, to elect an additional justice of the peace," are hereby repealed. But the repeal of such acts shall not abridge the terms of the justices of the peace elected thereunder nor impair or in any way affect the powers, duties or acts of such justices.

§ 2. This act shall take effect immediately.

Chap. 129.

AN ACT to amend the highway law relative to the purchase by towns of road rollers and other machinery.

Became a law, March 13, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of article one of chapter nineteen of the general laws, known as the highway law, is hereby amended to read as follows:

§ 7. **Stone crushers and materials.**—The town board and commissioner or commissioners of highways of any town may, when authorized by a majority vote of the electors voting thereon, by ballot, at the annual or at a special town meeting, purchase a machine for crushing stone, a suitable roller, and such other machinery as may be necessary to be used, under the direction of the commissioner or commissioners of highways of said town, for the improvement of the highways thereof, and the commissioners of highways of any such town may, in any year, when authorized by a majority vote of the electors voting thereon, by ballot, at the annual or at a special town meeting expend in said year a sum not exceeding two thousand dollars, for the purpose of purchasing stone, and quarrying, breaking, crushing and placing the same on the highways, in such road district or districts as the town board may direct and defraying the expenses of operating such machine, and shall present the account and vouchers for said purchases and expenses to the town board for audit, and the amount audited, together with the cost of such stone-crushing machine, when not before included, shall be levied and collected as other town audits.

§ 3. This act shall take effect immediately.

Chap. 130.

AN ACT to amend the insanity law, relating to the deposit of money and purchases on credit.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Subdivision four of section forty of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the insane, constituting chapter twenty-eight of the general laws," as amended by chapter twenty-six of the laws of nineteen hundred and two, is hereby amended to read as follows:

4. Deposit all money received from the comptroller on account of estimates in a bank designated by the comptroller

conveniently near the hospital, in his name as treasurer, and send each month to the comptroller and to the commission a statement, showing the amount so received and deposited and from whom and for what received, and when such deposits were made. Such statement of deposits shall be certified by the proper officer of the bank receiving such deposit. The superintendent as treasurer shall make an affidavit to the effect that the sum so deposited is all the money received by him, from any source of hospital income up to the time of the last deposit appearing on such statement. A bank designated by the comptroller to receive such deposits shall, before any deposit is made, execute a bond to the people of the state, in a sum approved by the comptroller, for the safe keeping of the funds deposited.

§ 2. Section forty-one of such chapter, as amended by chapter twenty-six of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 41. **Monthly statements of receipts and expenditures; vouchers.**—The superintendent as treasurer of each state hospital shall, on or before the fifteenth day of each month, make to the comptroller and to the commission a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form:

I,, treasurer of the state hospital, do solemnly swear that I have deposited in the bank designated by law for such purpose, all the moneys received by me on account of the hospital during the last month, and I do further swear that the foregoing is a true abstract of all the moneys received and payments made by me or under my direction as such treasurer during the month ending on the day of 19....

There shall also be attached thereto the affidavit of the steward, to the effect that the goods and other articles therein specified were purchased and received by him, or under his directions, at the hospital; that the goods were purchased at a fair cash market price and paid for in cash, or on credit, not exceeding sixty days, and that he, or any person in his behalf, had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the

way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles contained in such bill were received at the hospital; that they conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such statement shall be accompanied by the voucher showing the payment of the several items contained in the statement and the approval thereof by the superintendent, the amount of such payment and for what the payment was made. Such approval may be contained on an audit sheet, which shall refer to each voucher approved by the superintendent, giving the number of voucher, the name of the claimant and the amount at which it was approved. Such vouchers shall be examined by the commission and compared with the estimates made for the month for which the statement is rendered, and if found correct shall be indorsed and forwarded by the commission, with the statement to the comptroller. If any voucher is found objectionable, the comptroller shall indorse his disapproval thereon, with the reason therefor, and return it to the treasurer, who shall present it to the superintendent for correction, and when corrected return it to the comptroller. All such vouchers shall be filed in the office of the comptroller.

§ 3. This act shall take effect April second, nineteen hundred and two.

Chap. 131.

AN ACT to make the office of sheriff of Suffolk county a salaried office in part, and to regulate the management thereof.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensa-
tion of
sheriff.

Section 1. The sheriff of the county of Suffolk next elected or appointed and thereafter to be elected or appointed, shall receive as compensation for all services hereinafter enumerated an annual salary of seventeen hundred and fifty dollars payable quarterly, and in addition maintenance for himself and family and jailer, turnkey and cook as hereinafter provided.

§ 2. Such salary and maintenance shall constitute the whole compensation which shall be allowed or paid to or received by said sheriff for all the official services which may be performed as sheriff in his attendance upon any and all courts of record held in the county of Suffolk and for all services performed by him under this act or for the state of New York, or the county of Suffolk, or chargeable thereto or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff including the care and management of the jail and the persons therein confined; and no compensation, payment or allowance shall be made to him or received by him for his own use for any such services except the aforesaid maintenance and salary and the fees specified in section ten of this act.

§ 3. All fees, emoluments and perquisites which such sheriff shall charge or receive, or which he is entitled to receive as a peace officer, or which he shall legally be authorized, required or entitled to charge or receive for conveying prisoners to state or other institutions, and for all other services for the state of New York, or for the county of Suffolk for which fees are paid shall belong to the county of Suffolk; and it shall be the duty of said sheriff to exact, collect and receive for said county the full amount allowed by law of all such moneys, fees, emoluments, and perquisites. Fees shall belong to county.

§ 4. The sheriff, before entering upon the duties of his office, shall execute to the people of this state, a bond in the penal Bond. sum of ten thousand dollars with three or more sufficient securities, or a fidelity or surety company authorized by the laws of this state to transact business therein. Such bond shall be conditioned that said sheriff shall well and faithfully discharge all the duties of his office and all trusts imposed upon him by the law or by virtue of his office, and shall safely keep and pay over to the county treasurer all moneys which shall come into his hands belonging to the county of Suffolk. Before the said sheriff shall enter upon the discharge of his duties the said bond shall be approved as to its form and sureties by a resolution of the board of supervisors of said county, and shall be filed and recorded in the office of the county clerk of said county, as soon as the same shall have been approved. Said sheriff shall be responsible for the official acts of the under

sheriff, jailer, deputies, clerk and other assistants appointed by him, and may require and take a bond from each of them in a good and sufficient amount conditioned for the faithful performance of their respective duties, which shall be approved by him and the county judge of said county, as to its form and sufficiency, and the county of Suffolk shall in no particular be held responsible for any official act of the said sheriff, or any of his appointees.

Books to be kept.

§ 5. Such sheriff shall keep in his office in a proper book or books to be provided for that purpose, an exact and true account of all the official services performed by him as sheriff, and of all fees and moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law. Such book or books shall show when and for whom every such service shall have been performed, its nature, the fees chargeable therefor, and at all times, during office hours, shall be open to the inspection of any member of the board of supervisors of said county. This section shall not apply to any fees or services in civil causes and proceedings.

Verified quarterly statement to be transmitted to county treasurer.

§ 6. Such sheriff shall make a full and free statement for each quarter of the year of all moneys received each day by him or by his under sheriff or deputies, or other official appointees for the fees, perquisites and emoluments for all services rendered by him or them, in his or their official capacity, which by the provisions of this act belong to the said county, and shall transmit and deliver such statement to the county treasurer of said county within ten days from the expiration of said quarter. Such statement shall show the total receipts for said quarter, and shall have attached thereto an affidavit of said sheriff, in effect that the same is, in all respects, a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein provided. A summary of such quarterly reports shall also be prepared by the sheriff and presented to the board of supervisors at its annual meeting. At the time of rendering every such statement such sheriff shall pay over to the county treasurer of the county of Suffolk for the benefit of said county, the whole amount of the moneys so received by him and chargeable to said office since making the last preceding quarterly statement.

§ 7. It shall be the duty of such sheriff to keep and properly Duties of sheriff. care for the jail and court house of said county; preserve all property belonging thereto and situate therein, and he shall be responsible for the custody, maintenance and control of all prisoners and persons detained in said jail. On the first day of January of each year the purchasing committee, hereinafter named, shall take an inventory of all property of every kind and nature belonging to the county in the possession of the sheriff, and the said sheriff shall be chargeable therewith, and at the end of each year the said sheriff shall account for all the property in the last inventory contained or purchased since the last inventory was taken, and he shall be liable to pay to the county of Suffolk the value of any property which shall be missing and not accounted for, and at such time and in such manner as the said purchasing committee shall direct.

§ 8. The board of supervisors at each annual meeting shall appoint a committee of three of its members which shall designate one as chairman, which committee shall be known as the purchasing committee of said county, and it shall be the Purchasing committee. duty of the sheriff of said county, subject to the supervision, control, approval and direction of such purchasing committee to purchase and provide all furniture, implements, material, food and supplies of whatever nature necessary for the custody, care and maintenance of the sheriff and his family, jailer, turnkey, and cook, and of the prisoners and persons detained within said jail, and the cost of the same and any actual and necessary expenses of the sheriff in providing the same shall be a county charge and be paid by the county as follows: The sheriff shall keep a correct and itemized account of such cost Account of expenses, how kept. and expenses in a book or books provided for that purpose at the expense of said county. Each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid, and for what, and the purposes for which it was paid. The said sheriff shall also obtain a voucher for each item incurred by him, so far as practicable, and if any such item exceeds the sum of twenty-five dollars it shall be duly verified as to its correctness, and the payment thereof by the affidavit of the person furnishing the same. At the end of each calendar month, or within five days thereafter, the sheriff shall present to the chairman of such purchasing com-

mittee, a written, verified, statement in detail of all the items so expended for such month; and the said chairman shall forthwith examine such statement, and within five days thereafter, having examined the same, attach his certificate thereto, certifying what amount he finds correct, and authorized by such committee, and thereupon such chairman shall return to the sheriff said statement with his said certificate attached thereto. The sheriff shall thereupon present the same to the county treasurer of Suffolk county, who shall forthwith pay to said sheriff the amount certified by said chairman to be correct and allowed. The verification of such statement shall be by the affidavit of the sheriff, that said statement is in all respects full and true. In case any portion of said account of said sheriff is not certified by said chairman to be correct, the same may be presented by said sheriff to the board of supervisors of said county for audit, and the amount thereof shall be paid as other county charges.

Employees,
appoint-
ment and
salaries of.

§ 9. There shall be employed at the jail of said county for the care, custody, maintenance and control of the prisoners and the persons detained therein, and other necessary services a jailer whose annual salary shall be six hundred dollars; a turnkey whose annual salary shall be five hundred dollars; a cook whose salary shall be four hundred and twenty-five dollars, and each of said persons shall be appointed by the sheriff and hold office during his pleasure, and the said sheriff shall be responsible for all their official acts, and the compensation of the said persons shall be paid monthly by the county of Suffolk.

Additional
fees author-
ized.

§ 10. In addition to the salary specified in section one of this act, the sheriff is authorized and entitled to charge, take and receive the fees now allowed to sheriffs by law in civil causes and proceedings, and paid by litigants or individuals as and for his compensation for services and disbursements rendered therein, and his liabilities thereunder, and for the services of the undersheriff, deputies and other employees of his office in such cases and proceedings.

Disburse-
ments
allowed.

§ 11. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties required by this act, for which the county receives or is entitled to receive, the fees therefor under this act, which said disbursements shall be au-

dited and allowed by the purchasing committee, and paid monthly by the county.

§ 12. Any officer referred to in this act who shall receive to Penalty. his own use, or for the use of another, any fee, perquisite, or emolument contrary to the provision of this act, or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Suffolk, shall be guilty of a misdemeanor, and be liable to said county in a civil action for any moneys so received or received for the use of said county and not accounted for and paid to the treasurer pursuant to the requirements of this act.

§ 13. All acts or parts of acts inconsistent with this act in so far as the same may relate to Suffolk county are hereby repealed.

§ 14. This act shall take effect immediately.

Chap. 132.

AN ACT to authorize the clerk of the county of Richmond to procure the map of colonial grants of land within said county, prepared by George M. Root, surveyor.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The county clerk of the county of Richmond, with the approval of the board of estimate and apportionment of the city of New York, is authorized and empowered to procure from George M. Root, surveyor, the map or plan of the said county prepared by him showing the boundaries and locations of the lands in said county for which grants or patents were made or issued by the kings and queens of Great Britain and the persons under their authority prior to the fourteenth day of October, seventeen hundred and seventy-five, and recorded in any public office in the state of New York; and when filed in the office of said county clerk, said map or plan shall be a public record.

County clerk authorized to procure map.

§ 2. The cost of said map or plan shall not exceed fifteen hundred dollars, and the comptroller of the city of New York shall

Cost to be a county charge.

provide for payment of such cost by the issue of revenue bonds, but the amount of said cost shall ultimately be a county charge to be collected from the taxable property within said county of Richmond as other county charges and expenses.

§ 3. The said county clerk shall, at least six weeks before the annual meeting of the board of aldermen of the city of New York for the purpose of imposing the annual taxes for the year next succeeding the filing of said map and plan, certify to the comptroller of said city the amount of the cost thereof, and the said comptroller shall include the same in the statement submitted by him to the board of aldermen at its annual meeting for the purpose of imposing annual taxes next succeeding the completion and filing of said map or plan.

§ 4. This act shall take effect immediately.

Chap. 133.

AN ACT to provide for the election and to prescribe the terms and compensation of the town trustees in the town of Southampton in the county of Suffolk, and legalizing payment of compensation to the present and former trustees.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election
and term of
office of
trustees.

Section 1. There shall be elected in the town of Southampton, county of Suffolk, at the town meeting to be held in such town in April, nineteen hundred and three, and biennially thereafter, as successors to the present board of trustees, five trustees, for a term of two years each.

Compensa-
tion.

§ 2. Each of said trustees shall be entitled to receive the same compensation as other town officers for each day he shall be actually and necessarily employed in the discharge of the duties of his office.

Payment of
compensa-
tion legal-
ized.

§ 3. The payment of compensation by said town, at the above rate, to the present and former trustees of said town for services actually and necessarily rendered by them in the performance of the duties of their office is hereby legalized.

§ 4. This act shall take effect immediately.

Chap. 134.

AN ACT for the relief of Eugene F. Vacheron for work, labor, services and material furnished and rendered to the city of New York.

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller of the city of New York, is hereby authorized and empowered in his discretion to examine into the claim of Eugene F. Vacheron for work, labor, services and material rendered and furnished by the said Eugene F. Vacheron to the city of New York, from and including the first day of May eighteen hundred and ninety-nine, to and including the first day of November eighteen hundred and ninety-nine, amounting to not more than eight thousand seven hundred and seven dollars and thirteen cents, alleged to have been earned under a certain alleged contract made with the county of Queens by the said Eugene F. Vacheron and dated July sixth, eighteen hundred and ninety-seven, and to make such award, if any, as in his discretion may be just and proper, and the said comptroller in his discretion is hereby authorized to audit and allow as a charge against the city of New York the amount of said claim or any part thereof as said comptroller shall deem just and proper, and a certificate of such award shall be filed in the office of the comptroller of the city of New York.

Authority
to examine
claim.

Amount of
claim.

Date of
contract.

§ 2. Upon such audit and allowance being made, the comptroller of said city of New York is hereby authorized and directed to thereupon pay to said Eugene F. Vacheron the amount of the award so made by the said comptroller, such payment to be made out of the proceeds of a certain tax levied and collected for sprinkling certain county roads in Queens county for eighteen hundred and ninety-nine and nineteen hundred, or, in the event of such tax so levied and collected, not being available, the comptroller is hereby authorized to issue special revenue bonds under the provisions of section one hundred and

Authority
to pay
claim.

eighty-eight of chapter four hundred and sixty-six of the laws of nineteen hundred and one to provide for such payment.

§ 3. This act shall take effect immediately.

Chap. 135.

AN ACT to amend chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-seven, entitled "An act to establish a board of police and fire commissioners of the village of Herkimer," in relation to the compensation of the chief of police.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section six of chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-seven, entitled "An act to establish a board of police and fire commissioners of the village of Herkimer," is hereby amended to read as follows:

Compensa-
tion of
policemen.

§ 6. The policemen shall receive for their services such compensation as shall be fixed by the board, not exceeding in any case, except as herein provided, fifty dollars per month. The board shall select from the policemen appointed by them, one who shall be chief of police, whose duty it shall be, under the direction of the board, to superintend the police department in said village, of which he shall be chief executive officer. He shall keep a record in a book of all cases and legal proceedings in his department, and of all services performed by him and his several policemen, and of such fees as are allowed to constables in towns for like services. He shall, at least once in every month, report to the board of the state of his department, and particularly of such fees, and whether any members of his force are delinquent in their duties. The compensation of the chief of police shall not exceed seventy-five dollars per month. The said board of commissioners shall, annually, on or before the first day of March, present a detailed statement to

Duties and
compensa-
tion of chief
of police.

Annual
statement.

the board of trustees of all moneys received and disbursed by them.

§ 2. This act shall take effect immediately.

Chap. 136.

AN ACT to amend chapter two hundred and eighteen of the laws of nineteen hundred and one, in relation to extending the term of existence of the commission to revise and codify the laws, rules, practice, pleadings, forms and proceedings of the municipal court of the city of New York.

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and eighteen ^{Act amended} of the laws of nineteen hundred and one, entitled "An act to provide for a commission to revise, amend, reform, simplify, abridge and codify the laws, rules, practice, pleadings, forms and proceedings of the municipal court of the city of New York, and the laws, rules, et cetera, relating to the clerks, officers and attendants thereof, and the marshals attached thereto," is hereby amended to read as follows:

§ 1. The board of justices of the municipal court of the city of New York shall, within thirty days after the passage of this act, appoint a commission consisting of three justices of the municipal court from the borough of Manhattan, and one justice of said court from each of the boroughs of the Bronx, Brooklyn, Queens and Richmond, respectively, whose duty it shall be to revise, amend, reform, simplify, abridge, and codify the laws, rules, practice, pleadings, forms and proceedings of the municipal court of the city of New York, and the laws, rules, et cetera, relating to the clerks, officers and attendants thereof, and the marshals thereto, which revision, amendments and codifications, with the reasons therefor, shall be transmitted to the next legislature of the state of New York, on or before

Appoint-
ment of
commis-
sioners.

Term of
commis-
sion.

January thirtieth, nineteen hundred and two, but the existence of said commission shall not terminate on the said thirtieth day of January, nineteen hundred and two, but shall continue for the purpose of furnishing any further information or report that may be required, until the end of the session of said legislature of nineteen hundred and two, but the expenses of said commission shall in no event exceed the sum provided in section two of this act.

§ 2. This act shall take effect immediately.

Chap. 137.

AN ACT to authorize union school district number eight of the town of Groton to issue bonds for the purpose of paying bonds issued by said district for the purpose of building a school house, and falling due April first, nineteen hundred and three.

Became a law, March 13, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to issue
bonds.

Section 1. For the purpose of raising funds to pay bonds to the amount of five thousand four hundred dollars, issued by union school district number eight of the town of Groton and falling due April first, nineteen hundred and three, the said union school district number eight of the town of Groton is hereby authorized and empowered to issue bonds in the sum of five thousand four hundred dollars.

Bonds.

§ 2. Said bonds shall be issued in the name of said union school district number eight of the town of Groton, and signed by the president of the board of education, and the treasurer of said district, ten for the sum of five hundred dollars each, and one for the sum of four hundred dollars, with interest coupons attached; the interest thereon shall be at a rate not to exceed four per centum per annum, payable annually, and the principal and interest shall be payable at the first national bank of Groton, New York. The principal of said bonds shall be payable as follows: five hundred dollars in the

Interest.

year nineteen hundred and four; five hundred dollars in each of the nine succeeding years and four hundred dollars the next year thereafter.

§ 3. Said bonds shall be issued pursuant to a resolution of the board of education of said district, and shall be sold at public auction at not less than par upon two weeks notice of sale published in the Groton and Lansing journal of said town. The proceeds thereof shall be paid over to the treasurer of said school district and be paid out and used only for the purpose of paying the bonds falling due as mentioned in the first section of this act. Application of proceeds.

§ 4. The board of education of said school district shall raise, levy and assess upon the real estate and personal property of said school district the amounts necessary to pay the interest and principal of said bonds as they mature.

§ 5. This act shall take effect immediately.

Chap. 138.

AN ACT to amend the code of civil procedure, relative to the sale of real property pursuant to judgment.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve hundred and forty-two of the code of civil procedure, is hereby amended to read as follows:

§ 1242. **Real property; how sold; effect of conveyance.**—Except where special provision is otherwise made by law, real property adjudged to be sold, must be sold in the county where it is situated by the sheriff of the county, or by a referee, appointed by the court for that purpose, who must execute a conveyance to the purchaser. If such real property is situated partly in one county and partly in another and is so circumstanced that a sale of the whole will be most beneficial to the parties, the court rendering judgment may direct in which county the whole of such real property shall be sold. The conveyance is effectual, to pass the right, title, or interest of a

party adjudged to be sold; but nothing contained in this section shall be deemed to repeal or modify the provisions of any law specially regulating the sale of real property under a judgment or decree of any court, in any particular county of the state.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 139.

AN ACT to amend chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga," in relation to the improvement of the sewer system.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga" is hereby amended by adding thereto, immediately after section sixty-six a new section to be known as section sixty-seven to read as follows:

Board of trustees authorized to construct and maintain a dam.

§ 67. a. For the purpose of improving the sewer system and sanitary condition of the village of Owego and the preservation of the health of the citizens of such village, it shall be lawful for the said village by its board of trustees to construct and perpetually maintain a dam across the Susquehanna river at such point between the highway bridge across said river at said village and the mouth of the Owego creek as the board of trustees of such village shall judge best, with a suitable fishway in accordance with the provisions of article twelve of the forest, fish and game law, which dam shall not exceed two and one-half feet in height above ordinary low water mark in said river at the point of location of such dam, except that flashboards not exceeding one foot in height may be placed and maintained thereon.

b. The board of trustees of such village is hereby authorized to procure, in the name of such village, suitable lands upon which to construct and anchor such dam, including lands for a suitable abutment and protection at each end, by voluntary purchase or by condemnation, and to construct such dam and the necessary abutments and protections thereto and to maintain the same at the cost and expense of such village and to raise the cost and expense thereof by tax upon the taxable property, real and personal, of said village in the manner provided for in section thirty-four of this act and in addition to the amounts hereinbefore provided.

Authority
to procure
lands.

c. In case any person shall deem that his lands and premises shall be lessened in value by the construction and perpetual maintenance of such dam he may present his claim for the damage so sustained by him, duly verified, to the board of trustees of such village and in case the same shall be audited and allowed by said board, the amount thereof shall be a valid claim against said village, but in case it shall not be audited and allowed by said board within forty days after its presentation as aforesaid, then and in that case such person may, within six months after such presentation, upon notice to said board of trustees, apply by petition to the supreme court for the appointment of three commissioners and the court shall thereupon appoint three disinterested persons as commissioners, who shall view the premises claimed to be so injured by the erection and maintenance of such dam and hear the evidence produced by the respective parties and determine whether the petitioner's premises have been lessened in value by the erection and maintenance of such dam and if so the amount they have been so lessened in value and make a report of their finding, and such amount so found, if any, shall be a valid charge against said village. The provisions of chapter twenty-three of the code of civil procedure, so far as they are not inconsistent with any of the express provisions of this act shall be applicable to the appointment of such commissioners and their proceedings.

Application
for appoint-
ment of
commis-
sioners of
appraisal.

d. No action shall be maintained or proceedings instituted, (including the appointment of commissioners as aforesaid), to recover for injury to lands and premises as aforesaid, unless the same shall be commenced or instituted within three years and six months after the completion of such dam, nor unless a writ-

ten verified statement of the nature and amount of such injuries, describing the lands and premises so claimed to be lessened in value, shall have been filed with the village clerk within three years after the completion of such dam. An action on such claim shall not be commenced and no proceedings thereon shall be instituted until the expiration of forty days after such claim shall have been presented nor after six months from the time of such presentation of such claim.

Proviso.

e. It is provided however, that there shall not be raised by tax upon the taxable property of such village for the purchase of a site for such dam and for the construction of such dam to exceed the sum of three thousand five hundred dollars, and there shall not be raised by tax upon the taxable property of such village for the maintenance of such dam to exceed the sum of two hundred and fifty dollars in any one year, unless authorized by a vote of the taxable inhabitants of said village, as provided in section forty-one hereof.

**Determina-
tion of
board of
trustees.**

f. In case the board of trustees of said village shall determine to construct such dam it is hereby authorized to include in its next annual tax budget thereafter to be made in the manner provided for in paragraph thirty-four of this act and to cause to be raised upon the taxable property, real and personal, of such village, a sum not exceeding three thousand five hundred dollars to be used for the construction of such dam and the purchase of a site therefor; but in case such board of trustees shall judge best to do so, it may include in such assessment roll only a portion of the amount to be raised for such purpose and issue bonds of such village for the balance. None of the bonds so issued shall be for a longer term than ten years.

§ 2. This act shall take effect immediately.

Chap. 140.

AN ACT to amend section sixty-four of the railroad law, relative to the maintenance of bridges.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-four of article two of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," known as the railroad law, as added by chapter seven hundred and fifty-four of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows: ^{Act amended.}

§ 64. When a highway crosses a railroad by an overhead bridge, the frame work of the bridge and its abutments, shall be maintained and kept in repair by the railroad company, and the roadway thereover and the approaches thereto shall be maintained and kept in repair by the municipality in which the same are situated; except that in the case of any overhead bridge constructed prior to the enactment of sections sixty-one and sixty-two of this act, the roadway over and the approaches to which the railroad company was under obligation to maintain and repair, such obligations shall continue, provided the railroad company shall have at least ten days' notice of any defect in the roadway thereover and the approaches thereto, which notice must be given in writing by the commissioner of highways or other duly constituted authorities, and the railroad company shall not be liable by reason of any such defect unless it shall have failed to make repairs within ten days after the service of such notice upon it. When a highway passes under a railroad, the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the subway and its approaches shall be maintained and kept in repair by the municipality in which the same are situated. ^{Repair and maintenance of bridges and subways.}

§ 2. This act shall take effect immediately.

Chap. 141.

AN ACT to amend chapter one hundred and nine of the laws of eighteen hundred and ninety-seven, entitled "An act to extend the time for the Davenport, Middleburgh and Durham railroad company to begin the construction of its road and expend thereon ten per centum of its capital and finish and put the same in operation," by further extension of time.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter one hundred and nine of the laws of eighteen hundred and ninety-seven, entitled "An act to extend the time for the Davenport, Middleburgh and Durham railroad company to begin the construction of its road and expend thereon ten per centum of its capital and finish and put the same in operation," is hereby amended to read as follows:

Time for
beginning
construc-
tion
extended.

§ 1. The time of the Davenport, Middleburgh and Durham railroad company for beginning the construction of its road and expending thereon ten per centum of its capital is hereby extended to the twentieth day of April in the year nineteen hundred and seven and the time for the finishing its road and putting it in operation is hereby extended to the twentieth day of April in the year nineteen hundred and twelve.

§ 2. This act shall take effect immediately.

Chap. 142.

AN ACT to amend the county law, relating to fire districts.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-seven of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter nine hundred

and thirty-seven of the laws of eighteen hundred and ninety-five, chapter nine hundred and two of the laws of eighteen hundred and ninety-six and chapter three hundred and twenty-nine of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 37. Fire districts outside of incorporated villages.—Each board of supervisors may, on the written, verified petition of the taxable inhabitants of a proposed fire district outside of an incorporated village or city, and within the county, whose names appear on the last preceding assessment roll of the town wherein such proposed fire district is located, as owning or representing more than one-half of the taxable real property of such district, or as owning or representing more than one-half of the taxable real property of such district owned by the residents thereof, establish such district as a fire district. No such district shall extend in any direction to exceed one mile from the nearest engine or hose or hook or ladder house located within the district. When any two or more fire districts, established as above provided, not within an incorporated village, adjoin each other, the board of supervisors of the county in which said districts are located, may, upon a written, verified petition of the taxable inhabitants of each of said districts whose names appear on the last preceding assessment roll of the town or towns within which said fire districts are located, as owning or representing more than one-half of the taxable real property of each of said districts, or as owning or representing more than one-half of the taxable real property of each of said districts owned by the residents thereof, consolidate such fire districts and establish the same into one fire district. The trustees of such fire district hereinafter provided may establish, equip and maintain such engine, hose or hook and ladder houses as they may deem necessary. When any such fire district has been established or consolidated in the manner above provided, the legal voters thereof may elect not less than three nor more than five residents thereof to be the fire commissioners for a term of five years or such less term as a majority of such voters at the time of any such election may express on their ballots; and may also elect a treasurer in such fire district for a term of three years, who shall be entitled to receive and have the custody of the funds of the district and pay out the

same for the purposes herein provided for, on the order of the fire commissioners, which treasurer before entering on the duties of his office, shall give such security as the board of supervisors may require. The first election for such fire commissioners and treasurer, shall be called by the clerk of the town within which any such district shall be established, or when any such district is within more than one town within the county, by the clerks of such towns jointly and concurrently, within thirty days from the establishment or consolidation of such fire district or districts, and upon such notice and in the same manner as required for by special town meetings. All subsequent elections shall be called in the same manner by the clerk or clerks of the town or towns, not less than thirty days prior to the expiration of the term of office of any such commissioners or of the treasurer; special elections to fill any vacancies shall be called in the same manner within thirty days after any such vacancy shall occur. Any such district when established or consolidated shall be known by such name as the fire commissioners thereof may adopt at their first meeting for the organization, and thereafter such fire commissioners shall be authorized and empowered to purchase apparatus for the extinguishment of fires therein; rent or purchase suitable real estate and buildings or erect, alter or repair buildings, for the keeping and storing of the same; and to procure supplies of water, and have control and provide for the maintenance and support of a fire department in such district; and shall have power to organize fire, hook, hose, ladder, ax and bucket fire patrol companies; and to appoint a suitable number of able and respectable inhabitants of said district as firemen and to prescribe the duties of the firemen and the rules and regulations for the government of such companies and of the fire department; and who shall have power to make any and all contracts within the appropriations voted by the resident taxpayers of the district for the purpose of carrying out the authorization and powers herein granted. For the purpose of giving effect to these provisions the fire commissioners are hereby authorized, whenever a tax shall be voted to be collected in installments for the purposes of carrying out the authorization and powers herein granted, to borrow so much of the sum voted as may be necessary at a rate of interest not exceeding six

per centum per annum and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district and be paid at maturity; and such bonds shall not be sold below par; due notice of the time and place of the sale of such bond shall be given at least ten days prior thereto; the payment or collection of the last installment shall not be extended beyond ten years from the time when such vote was taken. Whenever the fire commissioners in any such fire district shall submit a request in writing for an appropriation of any sum of money for the purposes herein authorized, the clerk or clerks of the town or towns in which such fire district shall be located, shall call a meeting of the resident taxpayers of the district for the purpose of voting upon the question of appropriating such money, such meeting to be called by a notice posted conspicuously in at least two of the most public places in such fire district, at least ten days before the holding of any such meeting, which notices shall state the time, place and purpose of the meeting. At any such meeting such resident taxpayers may appropriate the amount requested by the fire commissioners, or any less amount, and may determine that the sum so appropriated or some part thereof shall be raised by installments, and when any such appropriation is made, the amount appropriated shall be assessed, levied and collected on such district, in the same manner, at the same time and by the same officers as the taxes of the town in which the district is located, are assessed, levied and collected, and when collected shall be paid over immediately by the supervisor of the town to the treasurer of the fire district; and the town shall be responsible for any and all sums so collected until the same shall be paid over to such treasurer. All meetings of any such district called for the election of officers, or for the appropriation of money, shall be presided over by a resident taxpayer to be designated by the fire commissioners, except at the first meeting after any such fire district shall have been established shall be presided over by a resident taxpayer selected by the legal voters at the meeting; and all elections for fire commissioners and for treasurer shall be by ballot, in the same manner as is provided for the election of other town officers. The board of supervisors in any county in which any such fire district shall have been heretofore or shall

be hereafter established, may at any time, upon the written verified petition of the taxable inhabitants of any such district, whose names appear upon the last preceding assessment roll of the town within which such district is located as owning or representing more than one-half of the taxable real property of such district, or as owning or representing more than one-half of the taxable real property in such district owned by the residents thereof, discontinue such district as a fire district, and upon such action being taken by the supervisors, the fire commissioners of such district, where it is wholly within a village incorporated since said district was formed shall turn over to any fire corporation organized by the trustees of said village all the property thereof, such village to pay all the debts thereof, and in other than such last named districts the fire commissioners shall proceed to sell the property belonging to such district at public sale; three notices of such sale shall be posted conspicuously in three of the most public places in the district, for a period of thirty days prior to the sale, and the proceeds of such sale shall be paid over by the treasurer of the district to the supervisor of the town, and the sum so paid over shall be credited to the taxable real property located in such district, in the next succeeding assessment of town taxes. Whenever any portion of any such fire district heretofore or hereafter established shall be incorporated into the corporate limits of any incorporated village or city, the board of supervisors of the county in which such district is located upon the written verified petition of more than one-half in assessed valuation of the taxable inhabitants of such incorporated portion of the fire district, change the boundaries of such district in such manner as shall exclude such incorporated portion of the district, and thereafter such incorporated portion of the district shall not be entitled to the protection, nor liable to be assessed or taxed for the support of the fire department of such district. Where any two fire districts not within any incorporated village adjoin each other, the boundary line between such districts may be changed by the board of supervisors of the county in which they are located, upon a written verified petition of the taxable inhabitants of the portion of the fire district applied to be changed, whose names appear upon the last preceding assessment roll of the town within which said

portion of said fire district is located, as owning or representing more than one-half of the taxable property of such portion of said fire district, or as owning or representing more than one-half of the taxable real property of such portion of said fire district owned by the residents thereof, provided the taxable inhabitants of both said fire districts and within the county, whose names appear upon the last preceding assessment roll of the town or towns, owning or representing more than one-half of the taxable property of said district, or as owning or representing more than one-half of the taxable real property of such fire districts owned by the residents thereof, shall consent in writing to such change.

§ 2. This act shall take effect immediately.

Chap. 143.

AN ACT to amend the county law, relative to district attorney and assistant district attorneys of Onondaga county.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and three of article ten of chapter six hundred and eighty-six, of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter seventy of the laws of eighteen hundred and ninety-three, and chapter four hundred and nine of the laws of eighteen hundred and ninety-seven, and chapter three hundred and thirty of the laws of nineteen hundred, and chapter fifty-one of the laws of nineteen hundred and one, is hereby further amended to read as follows:

§ 203. In Erie, Monroe, Onondaga, and Rensselaer counties.—The district attorney of Erie county may appoint in and for the county of Erie, in the manner provided in the last section, and with like powers, three assistants to be called respectively the first, second and third assistant district attorneys, and two deputy assistants to be called respectively first and second

deputy assistant district attorneys. The salaries of said assistant district attorneys shall be the same respectively as now received by the first assistant district attorney, the second assistant district attorney and the transfer tax assistant district attorney of Erie county; the salaries of said deputy assistant district attorneys shall be the same respectively as now paid the managing clerk and record clerk now in said office. Said assistants and deputy assistants shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts. The district attorney of Monroe county may appoint in and for the county of Monroe, in the manner provided in the last section, and with like powers, three assistants, to be called respectively the first, second and third assistant district attorneys who shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts. The district attorney of Onondaga county may appoint in and for said county, in the manner provided in the last section, and with like powers, two assistants, to be called respectively the first and second assistant district attorney, each of whom shall take the constitutional oath of office before entering upon the duties thereof; and the district attorney of said county shall be responsible for their acts. They may also appoint a person to act as interpreter at all sessions of the grand juries of the counties of Erie, Onondaga and Monroe, and of the city of Buffalo, whose compensation shall be fixed by the court in and for which such grand jury may be empaneled. The district attorneys of the counties of Erie, and Monroe shall each be entitled to receive in addition to their salary, all costs collected by them in actions and proceedings prosecuted and defended by them. The county judge or the special county judge of the county of Monroe, or any supreme court judge, shall have power, on the application of the district attorney of Monroe county, to order and direct the county treasurer of Monroe county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the county of Rensselaer, or any supreme court judge, shall have power, on the application of the district attorney of Rensselaer county, to order and direct the county treasurer of Rens-

selaer county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office.

§ 2. This act shall take effect immediately.

Chap. 144.

AN ACT to amend section eighteen of title three of chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Yonkers," in relation to the appointment of a deputy city treasurer.

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed,
three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighteen of title three of chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows: Charter amended.

§ 18. The city treasurer shall receive and safely keep all moneys belonging to the city. He shall also keep an accurate account of all receipts and payments, so as to exhibit the amount paid under each particular class of purposes for which money shall be raised, and make returns thereof in such manner and at such times as the common council shall direct. The city treasurer shall receive a salary to be fixed by the common council not to exceed three thousand dollars per annum. The city treasurer shall, at the first stated meeting in March in each year, and such other times as the common council shall require, present to said council, to be filed with the city clerk, a full account of all his receipts and disbursements since the date of the last annual report, and a statement of the financial condition of the treasury. The city treasurer shall have power to appoint, and remove at pleasure, as deputy city treasurer, a person who shall, in the absence or disability of the city treasurer, possess the powers of the said city treasurer. The city treasurer shall be responsible to the city for the acts of said deputy. The deputy city treasurer shall be paid by the city treasurer out of his salary. Before the city treasurer enters

Treasurer's duties.

Salary.

Annual financial statement.

Power to appoint deputy.

Official
bond.

upon the duties of his office, and within ten days after being notified of the amount at which the common council shall have fixed the penalty of his bond, he shall execute to the city of Yonkers a bond, with two or more sureties, to be approved by the common council, in such penalty as said common council shall have directed, conditioned for the faithful performance by the city treasurer and the deputy city treasurer of the duties of said office, and that he and the said deputy will account for and pay over all moneys received and collected by them or either of them at any time to the proper officers appointed to receive the same, which bond shall be duly acknowledged before some officer authorized to take acknowledgments, and the sureties therein shall justify in at least double the amount thereof. The common council shall approve the form and execution of said bond, and the sureties thereto, it shall cause such approval to be endorsed thereon, and file the same with the city clerk.

Chap. 145.

AN ACT to amend section fifty of the banking law, relating to annual meetings and election of directors.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty of the banking law is hereby amended so as to read as follows:

§ 50. Annual meeting and election of directors.—Every bank shall hold an annual meeting for the election of directors on the second Tuesday in January or within ten days thereafter. Notice of such meeting shall be given as required by the stock corporation law. No person shall be eligible to election as director of a bank having a capital of fifty thousand dollars or over unless he is a stockholder of the corporation owning in his own right an amount equal to at least one thousand dollars in value, nor of a bank having a capital of less than fifty thousand dollars, unless he is a stockholder in his own right to an amount equal to at least five hundred dollars; and every person elected to be a director, who after such election shall cease to be the owner in his own right of the amount

of stock aforesaid, shall cease to be a director of the corporation, and his office shall be vacant. The directors shall hold office for one year and until their successors are elected and have qualified. Each director must be a citizen of the United States, and at least three-fourths of the directors must be residents of this state at the time of their election and during their continuance in office. All vacancies in the office of director shall be filled by election by the stockholders; but vacancies not exceeding one-third of the whole number of the board may be filled by the directors then in office, and the directors so elected may hold their offices until filled by the stockholders at a special or annual meeting. A bank, at any annual meeting for the election of directors, provided notice thereof be given in the notice of the annual meeting, may, by a majority of all of the votes of the stockholders of such bank fix or change by resolution the number of directors, not less than five nor more than a certain number to be named in said resolution, which such bank may have; which number, when so fixed, shall be the lawful number of directors of such bank until again changed. Certified copies of all resolutions fixing or changing the number of directors under this section shall be immediately filed in the banking department. One of the directors, to be chosen by the board, shall be the president of the board; and if the certificate of incorporation or the by-laws do not prescribe the number of directors necessary to constitute a quorum, and makes no provision for determining the same, the directors may fix the number necessary to constitute a quorum for the transaction of business, which shall not be less than five, with the same effect as if such number was prescribed in the certificate of incorporation. Whenever the articles of association of any bank organized prior to the first day of January, eighteen hundred and ninety-two, or the certificate of incorporation of any bank organized after that date, shall prescribe a different qualification for directors than such as are prescribed in this section, the qualification of such directors may be changed so as to comply with the provisions of this section in the manner prescribed for a change of the number of directors under section twenty-one of the stock corporation law.

§ 2. This act shall take effect immediately.

Chap. 146.

AN ACT to amend section two and four of chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the New York zoological society and to provide for the establishment of a zoological garden in the city of New York."

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section two of chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the New York zoological society and to provide for the establishment of a zoological garden in the city of New York", is hereby amended so as to read as follows:

Establishment of zoological parks, etc.

§ 2. Said corporation shall have power to establish, maintain and control zoological parks, gardens or other collections for the promotion of zoology and kindred subjects, and for the instruction and recreation of the people. Said corporation may collect, hold and expend funds for zoological research and publication, for the protection of wild animal life, and for kindred purposes, and may promote, form and cooperate with other associations with similar purposes and may purchase, sell or exchange animals, plants and specimens appropriate to the objects for which it was created.

§ 2. Section four of chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-five, as above entitled, is hereby amended so as to read as follows:

Board of managers.

§ 4. The affairs and business of said corporation shall be managed and controlled by a board of managers, the number of whom shall be prescribed by the by-laws. The first board of managers shall be divided by lot into three classes, equal in number, one of which classes shall hold office for one year, another for two years, and the other for three years; and all persons elected to be managers at any subsequent election shall hold office for three years, and until others are elected in their stead. There shall be a president, two vice presidents,

Officers.

treasurer and secretary, to be elected by the board of managers annually, who shall hold office until others are elected in their stead. The first meeting under this act may be held ^{First meeting.} at any time upon a notice of five days, signed by any five of the incorporators named in the first section of this act, fixing a time and place for such meeting, a copy whereof shall be mailed to each of said incorporators at his usual post-office address, and twelve of such incorporators shall be a quorum ^{Quorum.} for the purpose of organization, adoption of by-laws and election of officers. No manager of said corporation shall be interested, directly or indirectly, in any contract concerning its property or affairs.

§ 3. This act shall take effect immediately.

Chap. 147.

AN ACT to amend title six of chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Yonkers," by adding a new section authorizing the issue of emergency bonds.

Accepted by the city.

Became a law, March 18, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title six of chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five is hereby amended by adding at the end thereof a new section to be known as section thirteen and to read as follows: ^{Charter amended.}

§ 13. In case of an epidemic of contagious diseases, or of damage caused by extraordinary and unusual storms necessitating the expenditure on the part of the city of Yonkers of more than the sum of two thousand five hundred dollars, the common council may issue emergency bonds therefor, in a sum not exceeding ten thousand dollars, to defray the expense of the said epidemic, or repair said damage. Such bonds shall be signed by the mayor and city clerk, and be of such denomination, bear such interest not exceeding four per centum per annum, ^{Common council authorized to issue emergency bonds.} ^{Interest.}

TAX.

and mature at such times not exceeding one year, as the common council may determine. The common council may convert said bonds into money at not less than their par value, or obtain temporary loans upon the same, and the proceeds thereof, including all premiums, shall be applied only for the purposes aforesaid. The common council is hereby authorized to raise by tax such sums of money as shall be necessary to pay the interest on said bonds and the principal thereof, which sums shall be in addition to all other sums authorized to be raised by tax.

§ 2. This act shall take effect immediately.

Chap. 148.

AN ACT to amend section six hundred and one of the penal code of the state of New York, relating to receiving deposits in an insolvent bank.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and one of the penal code of the state of New York is hereby amended to read as follows:

§ 601. An officer, agent, teller or clerk of any bank, banking association or savings bank, and every individual banker or agent, and every private banker or agent and any teller or clerk of an individual banker, or of a private banker who receives any deposit, knowing that such bank or association or banker is insolvent, is guilty of a misdemeanor, if the amount or value of such deposit be less than twenty-five dollars; if the amount or value of such deposit be twenty-five dollars or over, such person shall be guilty of a felony, punishable by imprisonment for not less than one nor more than five years, or by a fine of not less than five hundred nor more than three thousand dollars, or by both.

§ 2. This act shall take effect September one, nineteen hundred and two.

Chap. 149.

AN ACT to amend sections nineteen and sixty-eight of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," and the several acts amendatory thereof, relative to loans.

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nineteen of chapter eighteen of the laws of eighteen hundred and sixty-two as amended by section two of chapter seventy-three of the laws of eighteen hundred and eighty-three is hereby amended so as to read as follows: Charter amended.

§ 19. The treasurer shall have and keep his office in the city hall, and keep therein all books, papers, records and assessments belonging thereto and under his official control. It shall be the duty of the treasurer to keep his said office open and be therein from ten o'clock ante meridian until one o'clock post meridian, and from two o'clock post meridian until four o'clock post meridian, daily, (Sundays and holidays only excepted). He shall receive all moneys belonging to the city and keep an accurate account of all receipts and expenditures so as to exhibit the amount paid under each particular class of purposes for which moneys shall be raised. He shall deposit and keep all moneys belonging to the city or that shall come to his hands in such one of the banks in said city as will pay the highest rate of interest, not exceeding six per centum for such deposits for the use of the city, and will give security for the payment of such deposits to be approved by the common council, and will also agree to loan to the city, when required by the common council, all such sums of money as the common council may be authorized to borrow under the provisions of this act. All temporary loan or other bonds may, nevertheless, be sold or disposed of as the common council may direct or as otherwise required by law. The treasurer shall deposit in said bank all moneys received by him within forty-eight hours after their receipt, and for a failure or neglect to comply with this pro- Treasurer's duties.

Annual
financial
statement.

vision, shall be liable to be removed from office and be deemed guilty of a misdemeanor. All moneys shall be drawn from him in pursuance of a resolution of the common council by warrants specifying for what purpose they are drawn, signed by the clerk and countersigned by the mayor. He shall, fifteen days before the annual city election, in each year, present to the common council and file with the clerk an account of all receipts and disbursements since the date of the last report, and a statement of the financial condition of the city, a synopsis of which shall be published in the official newspapers at least ten days before such election. He shall perform such other duties as this act may require, and such as the common council may prescribe.

§ 2. Section sixty-eight of chapter eighteen of the laws of eighteen hundred and sixty-two as amended by chapter twenty-nine of the laws of nineteen hundred is hereby amended to read as follows:

§ 68. Temporary loans, et cetera.—Moneys shall not be borrowed by the common council on temporary loans except,

1. In anticipation of the taxes to be levied in the next succeeding tax budget of the city and for the purposes for which such taxes are levied, and shall not be in excess of the amount of such taxes. Such loans shall always be made payable on or before the first Tuesday of January next thereafter and in no case shall interest run on any such loans after such taxes are paid into the treasury of the city.

2. In anticipation of not more than two-thirds of the cost and expense of local improvements due and payable, or to become due and payable within the calendar year. Such loans shall always be made payable within eight months and from the moneys thereafter to be collected on the assessments and taxes for such local improvements or applicable to the payment therefor. The interest upon said loans to the time such assessments are filed shall be included in the assessments and the assessment upon each piece, parcel or lot of land mentioned therein shall bear interest from the filing thereof to the date of payment at the same rate as the rate upon the loan made in anticipation of the payment of the assessment, in addition to such other charges as are provided by this act. The amounts of interest included in such assessment and accruing thereon, when collected by the city treasurer, shall be paid into the fund from

which interest upon said loans is payable. In no case shall interest run on any such loans after the taxes and assessments for such local improvements are paid into the treasury of the city, nor shall any part of the loans authorized by this subdivision be used for paying any of the local improvement bonds, known as paving bonds, heretofore or hereafter issued under the provisions of section ninety-nine of the charter of said city. In case the assessment, or taxes for said local improvements are not collected within said eight months, the common council is hereby authorized to make temporary loans, from time to time, to provide such amounts as may be required to meet the deficiencies caused by such delay in collecting said assessments and taxes, but the aggregate amount so issued shall not exceed at any time the aggregate amount of said deficiencies then outstanding.

§ 3. **Repeal.**—All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 150.

AN ACT to amend section eight of chapter four hundred and seventeen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to personal property, constituting chapter forty-seven of the general laws" relative to trustees.

Became a law, March 13, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter four hundred and seventeen of the laws of eighteen hundred and ninety-seven, being an act entitled "An act in relation to personal property, constituting chapter forty-seven of the general laws" is hereby amended so as to read as follows:

§ 8. **When trust vests in supreme court.**—On the death of a last surviving or sole surviving trustee of an express trust, the trust estate does not pass to his next of kin or personal representative, but, if the trust be unexecuted, in the absence of a

contrary direction on the part of the person creating the same, it vests in the supreme court and shall be executed by some person appointed by the court, whom the court may invest with all or any of the powers and duties of the original trustee or trustees. The beneficiary or beneficiaries of the trust shall have such notice as the court may direct of the application for the appointment of such person; and the person so appointed shall give such security as the court may require, and shall be subject to the same requirement of law as to accounting and as to the administration of the trust as apply to testamentary trustees; and shall be entitled to such compensation for his services by way of commissions as the court appointing him shall determine, which shall in no case exceed that now allowed by law to executors and administrators, besides his just and reasonable expenses in the matter in which he is appointed.

§ 2. This act shall take effect immediately.

Chap. 151.

AN ACT to amend section ninety-one of chapter five hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act relating to real property, constituting chapter forty-six of the general laws," relative to trustees.

Became a law, March 13, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-one of chapter five hundred and forty-seven of the laws of eighteen hundred and ninety-six, being an act entitled "An act relating to real property, constituting chapter forty-six of the general laws," is hereby amended so as to read as follows:

§ 91. **Trust estate not to descend.**—On the death of the last surviving or sole surviving trustee of an express trust, the trust estate shall not descend to his heirs nor pass to his next of kin or personal representatives; but in the absence of a contrary direction on the part of the person creating the same, such trust,

if unexecuted, shall vest in the supreme court, with all the powers and duties of the original trustee or trustees, and shall be executed by some person appointed for that purpose under the direction of the court, but who shall not be appointed until the beneficiary or beneficiaries shall have been brought into court by such notice and in such manner as the court or a justice thereof may direct; and the person so appointed shall give such security as the court may require, and shall be subject to the same requirements of law as to accounting and the administration of the trust as are testamentary trustees; and shall be entitled to such compensation for his services by way of commissions as the court appointing him shall determine, which shall in no case exceed that now allowed by law to executors and administrators, besides his just and reasonable expenses in the matter in which he is appointed.

§ 2. This act shall take effect immediately.

Chap. 152.

AN ACT to legalize the acts of Albert H. Gale, a notary public.

Became a law, March 13, 1902, with the approval of the Governor. Passed,
three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts of Albert H. Gale, of the city of New York, borough of Brooklyn, county of Kings, performed as notary public from the first day of May, nineteen hundred and one and before the twelfth day of November, nineteen hundred and one, are hereby legalized and confirmed, and shall have the same force and effect as though the said Albert H. Gale had been qualified to act as a notary public at the time of the performance of such acts.

Acts of
notary
public
legalized.

§ 2. Nothing in this act shall affect any action or proceeding pending in any court.

§ 3. This act shall take effect immediately.

Chap. 153.

AN ACT to amend the charter of the city of Watervliet relative to the assessment and taxation of property.

Accepted by the city.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title eleven of chapter nine hundred and five of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the city of Watervliet" is hereby amended to read as follows:

§ 1. General provisions relating to assessments for state, county and city taxes.—In the assessment of any lands in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and lot number of the property, but if the lot or parcel of land be not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land the owner may be designated as unknown. No error in the name of the owner or occupant shall invalidate the assessment, and no assessment shall be held to be invalid because of any error or mistake in the name or designation of the owner or occupant, or because the assessment is made to any person other than the true owner or occupant, provided the property intended to be assessed shall be described with sufficient certainty to permit of its identification. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment-roll any property liable to assessment and the valuation thereof which may have been omitted from such rolls, upon giving personal notice to the owner of such property or his agent at least two days prior to adding the same.

§ 2. Section thirteen of article eleven of said act is hereby amended to read as follows:

§ 13. Proceedings by chamberlain in the collection of unpaid taxes.—The chamberlain shall retain such list in his office and shall thereupon proceed to collect all such unpaid taxes as fol

lows: Whenever any such tax charged on real estate in said city and the interest thereon at the rate of twelve per centum per annum, to be computed from the preceding first day of December, with said fees and expenses, shall remain unpaid for six months from said first day of December, the chamberlain shall proceed to advertise and sell such real estate in the manner hereinafter provided for the payment of such tax, fees, interest and expenses, and the expense of advertising and selling the same shall be charged on the land sold, and shall be added to and made a part of such tax. The said chamberlain shall cause to be published, at least once in each week, for three weeks, in the official paper of the city, if such there be, a list or statement of the real estate charged with the payment of such taxes, interest and fees so liable to be sold, and also a notice that the said real estate will, on a day, at the expiration of said three weeks, to be specified in such notice, and the succeeding days, be sold at public auction at a place to be designated in said notice, in the city of Watervliet, to pay the taxes, interest, fees and expenses thereon which may remain unpaid at the time of such sale. If there should be no official paper published in said city, then the statement and notice referred to shall be posted in at least three public places in each ward of said city, at least three weeks prior to the date of sale herein referred to. The expense of publishing such list and notices shall not exceed one dollar to each newspaper for each parcel of land so advertised. On the day named in said notice the chamberlain shall commence the sale of said real estate, and shall continue such sale, from day to day, until the whole thereof shall be sold. The sale of each parcel shall be made for the lowest term of years, at which any person or corporation shall offer to take the same, in consideration of advancing the sum of the said taxes, assessments, interest, per centage and sale expenses that may be due thereon at the time of sale. The mayor of said city, in default of other bidders at any such tax sale, shall purchase the real estate so sold in the name of and for the benefit of the city of Watervliet. The chamberlain of said city shall cause all notices mentioned by this act to be given by purchasers, to be given on behalf of said city, to all persons interested, as hereinafter designated, in the real estate so purchased by said city, and to all persons so interested in

the lands described in all certificates of sale now owned by said city, or that shall hereafter be issued to said city, pursuant to the terms of this act. The chamberlain of said city, at any time before the time to redeem therefrom has expired under the terms of this act, shall, by an instrument in writing, under his hand and under the seal of said city, duly acknowledged, assign and transfer any such tax sale certificate now, or hereafter held by said city, to any person desiring such assignment upon payment to said city of the amount owing thereon, or the amount fixed as hereinafter provided by the common council of said city.

§ 3. Section fourteen of article eleven of said act is hereby amended to read as follows:

§ 14. Title of purchaser at sale.—Every purchaser at any such sale, other than the city of Watervliet, shall, within forty-eight hours thereafter pay to the said chamberlain the amount of his bid and thereupon the chamberlain shall deliver to the purchaser of each parcel a certificate in writing duly signed and acknowledged by him, containing a statement of the fact of such sale and a description of the parcel so sold, the sum paid therefor and the term for which sold. The chamberlain shall also issue such a certificate to said city for each parcel so purchased by the city. In case the premises so sold shall not be redeemed, as provided in the next section, within the time thereby limited, the said city shall, upon demand, and upon the payment of one dollar; under its seal and under the hands of the mayor and chamberlain of said city, execute, duly acknowledge and deliver to each such purchaser, or his assigns, a deed of the premises so sold, and in a proper case, shall execute such deed in like manner to the city of Watervliet for each parcel purchased by it, which deed shall briefly recite the prior proceedings, the service of the notices mentioned in this act and the non-redemption of said premises, and shall convey to such purchaser, or his assigns, an absolute estate in said premises for the term stated, subject only to any claim that may be held by said city thereon for unpaid taxes or assessments. Such deed shall be conclusive evidence that all proceedings, including the assessment, upon which such deed is based are valid and that the time limited by statute to attack such sale upon any ground, other than upon the

ground of the actual and seasonable payment of the tax or assessment for which such sale was had, has expired. As against the grantee named in every such deed and his assigns, the former owner and any occupant of, or person claiming title to, or lien upon the premises by such deed conveyed, or any part thereof, shall be, in every court and place, held to be a tenant holding over after the expiration of his term without the permission of his landlord; and may be removed by summary proceedings in the same manner as such tenant. The production of such deed shall be conclusive evidence of the right of the grantee, and his assigns, to the possession of said premises, and upon its production, upon return of the precept in summary proceedings, the officer or court before whom such proceedings are held shall make the appropriate order and issue the proper warrant thereby to place such purchaser, and his assigns, in possession of the premises in said deed described.

§ 4. Section fifteen of article eleven of said act is hereby amended to read as follows:

§ 15. **Redemption from tax sale.**—At any time within two years after any such sale, and even after the expiration of said term of two years; at any time within three months after the filing of the proof of the service of the notice hereinafter mentioned, any person may redeem the parcel in such notice mentioned from such sale by paying to the said chamberlain the amount for which it was sold, with interest to be computed at the rate of twelve per centum per annum, and also all fees hereby allowed for the service of notices, with interest at a like rate, and also all other taxes upon such parcel that shall have been paid by the purchaser and notice thereof filed as hereinafter provided, with interest at like rate. At any time after any such sale the purchaser of any parcel may serve a notice thereof upon every person having any title to the whole, or to any part of said premises, as shall appear at the time of such service by the records in Albany county clerk's office or, shall appear by the actual occupancy by such person of the said premises; and upon every person, who, as shown by such records, shall appear to have any mortgage, mechanic's lien, judgment or other lien upon said premises, or any part thereof, or a lease thereof for

a longer period than three years then unexpired; and upon every person who shall at the time of such service, from the records in Albany county surrogate's office appear to have any interest in or lien upon said premises, or any part thereof, as heir, legatee or devisee, of any former owner, lienor or mortgagee. Such notice shall be either written, typewritten or printed, and shall contain a description of the premises sold, a statement of the sum paid, of the term for which sold and of the fact of sale. Such notice may be served either personally or by mail, and in the latter case, it shall be deposited in the post-office in the city of Watervliet securely enclosed in a post-paid wrapper addressed to the person to be served at his place of residence, as given in the instrument of record, whence knowledge of his right to be served is derived, unless his address is known to the person making the service to be elsewhere, in which event, the wrapper shall be addressed accordingly, and the person making such service shall make proof of the fact; and in case the residence of the person to be served shall be unknown and no place of residence shall be given in the instrument of record, then such wrapper, containing such notice, shall be addressed to such person at the premises in such notice described. The person making such service shall file in the office of the chamberlain of said city a duplicate of the notice so served and proof by affidavit of the service made upon each person served, and such proof shall be competent evidence of the fact of such service. The chamberlain shall file such proof, make a proper entry in reference thereto and give to the person filing the same, proper voucher therefor, and there shall be allowed to the person making such service the sum of two dollars for each person served, as herein provided, with notice of the sale of any parcel, which sum, with interest as above provided, shall be added to the amount for which said premises shall have been sold and shall be paid by any person redeeming from such sale with interest as above specified. All persons above mentioned as subject to service of such notice, who shall have been served as herein provided, and all persons claiming under them, or any of them, and all persons whose interest in, or lien upon said premises, if any, did not appear of record as above specified, or was not apparent by reason of their actual occupancy of the land shall, at the expiration of two years from

the date of such sale, and if the three months' limitation fall thereafter, then at the expiration of three months from the time of the filing in the office of said chamberlain of the proof of such service of such notice, be absolutely barred of all title to, interest in, lien or claim upon, and right of possession in and to said premises for and during the term of such purchase as stated in such certificate or deed; and the time within which any person may, in any court or place, either as a matter of defense or otherwise, raise any question as to the regularity or validity of any such sale, certificate or deed, or any matter upon which they or any of them, are based, is hereby limited to two years from the time of such sale and to said term of three months after the filing of the proof of the service of such notice as herein provided, in case the expiration of said term of three months shall fall after the expiration of said term of two years. The holder of a tax sale certificate mentioned in this act may pay any other tax appearing at any time to be levied upon the property in such certificate described, which is not past redemption, and may file with the chamberlain a certificate of the fact of such payment, stating the amount and date of payment and the property on which the payment was made, and thereafter to accomplish redemption from the sale in such certificate mentioned, any person desiring to redeem shall be required to repay the amount so paid by such purchaser with interest as above provided.

§ 5. Section sixteen of article eleven of said act is hereby amended to read as follows:

§ 16. Provisions relative to tax sales heretofore had.—Every sale of lands, for unpaid taxes and assessments, heretofore conducted by the city of Watervliet, or by any of its officers, or by the village of West Troy, or any of its officers, acting under any statute now, or heretofore in force, shall be held and are hereby declared to be valid and effectual after the expiration of the period of two years and the period of three months after the filing of the proof of the service of notice as herein provided; and all purchases, at all such sales, made by said village, or by said city, are hereby declared to have been made in default of other bidders and to have been within the scope and authority of said village and city and to have been lawfully made and the books of record of such sales

now in the office of the chamberlain of said city are hereby declared competent evidence thereof, and where such sales are, as yet, unredeemed and not transferred to other parties; such sales, the certificates thereon given, or to be given as herein provided, and the rights thereby acquired in and to the lands in such certificate described are hereby declared to be now the property of the said city of Watervliet, and the chamberlain of said city is hereby required to execute and deliver to said city, in due form as hereinbefore provided for ensuing sales, appropriate certificates as to each parcel heretofore sold, in every case where such certificate has not been already executed and delivered and is not now in the possession of said city. All such certificates of sale that have been heretofore executed by the proper officer of said village, or by the chamberlain, of said city, or that shall hereafter be executed by such chamberlain pursuant to this act, and all deeds to be given thereon to said city, or its assigns, or to the holders of any such certificates shall, after the expiration of two years from the passage of this act and after the expiration of two years from the date of issue of such certificate and after the expiration of three months from the time of the filing of the proof of the notice of such sale on all persons entitled to notice, as provided in this act, in case the three months' period shall fall after the expiration of the said term of two years, be conclusive evidence that the sale and all prior proceedings from and including the assessment as against the land and all notices and proceedings required by any statute were regular and were regularly given; that all requirements of law were complied with, and after the expiration of the said periods herein and hereby limited any alleged irregularity, error or failure to comply with the statute, want of jurisdiction or defect of any kind in any such sale, certificate or deed, other than the actual and seasonable payment of the tax or assessment for which such sale was held, shall not be heard, pleaded or considered as against any such sale or any certificate given thereon, or any deed given, as provided in this act, or as against the purchaser named in such deed, or his assigns. But nothing herein contained shall affect any action, proceeding or application pending at the time of the passage of this act, nor any action begun, proceeding taken or application duly made within two years after the passage of this act, or within three months after the

filing of the proof of the service of such notice as hereinbefore provided, in case such period of three months shall fall after the expiration of said period of two years, for the purpose of vacating any such tax sale or setting aside or cancelling any certificate given or to be given pursuant thereto.

§ 6. Section twenty-two of article eleven of said act is hereby amended to read as follows:

§ 22. **Power to compromise liens.**—At any time before the expiration of the limitation specified in section fifteen or sixteen of this article the common council of the city of Watervliet for any cause, seeming to it good and sufficient, may compromise, settle, adjust or assign and transfer any apparent claim held by said city upon any parcel of land within its boundaries by reason of any unpaid tax or assessment or any sale therefor upon such terms and for such sum as to it shall seem just and proper. Such determination shall be evidenced by an appropriate resolution to be entered upon the record of its proceedings and shall be executed by a suitable instrument, or conveyance, under the seal of said city and under the hands of the mayor and chamberlain of said city and by them duly acknowledged.

§ 7. Section twenty-three of article eleven of said act is hereby amended to read as follows:

§ 23. **Sale of property acquired by city.**—Any property acquired by said city under any tax sale, as to which the time to redeem shall have expired, may at any time be sold and conveyed by said city upon such terms as to its common council shall seem proper, and its action in the premises shall be evidenced by an appropriate resolution to be adopted by such common council and entered in its minutes. Such conveyance shall be executed under the seal of said city by the mayor and chamberlain thereof and duly acknowledged and delivered upon compliance with the terms of such sale.

§ 8. This act shall take effect immediately.

Chap. 154.

AN ACT to amend section two of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight being an act entitled "An act to incorporate the Schoharie and Schenectady counties farmers' mutual fire insurance association."

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter one hundred and fifty-five of the laws of eighteen hundred and sixty-eight is hereby amended so as to read as follows:

Powers of
corporation.

§ 2. The corporation hereby created shall have power to insure dwellings and the barns, sheds, wagon-houses and out buildings situate on the premises on which are the dwellings insured, schoolhouses and churches, and the contents of said dwellings, barns, sheds, wagon-houses, out buildings, schoolhouses and churches, not situated in cities in accordance with the constitution and by-laws heretofore adopted by said association, and hereby amended by this section, anywhere within the limits of said counties of Schoharie and Schenectady; and every policy so issued shall bind all the members of said corporation in the manner prescribed in the act hereby amended, and the amendments thereto. The constitution and by-laws of said association are hereby amended so as to permit insurance in accordance herewith.

§ 2. This act shall take effect immediately.

Chap. 155.

AN ACT to amend section one of chapter seven hundred fifty-four of the laws of eighteen hundred and ninety-five, entitled "An act to authorize payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance," in relation to payments by villages and towns to hospitals in adjoining states.

Became a law, March 13, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter seven hundred and fifty-four of the laws of eighteen hundred and ninety-five, entitled "An act to authorize payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance," is hereby amended to read as follows:

Act
amended.

§ 1. Boards of estimate and apportionment, common councils, boards of aldermen, boards of supervisors, town boards, boards of trustees of villages, and all other boards or officers of counties, cities, towns and villages, authorized to appropriate and raise money by taxation and make payments therefrom, are hereby authorized in their discretion, to appropriate and to raise money by taxation and to make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for the care, support and maintenance of their inmates, of the moneys which are or may be appropriated therefor; such payments to be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities; except that boards of trustees of villages and town boards of towns in which there is no hospital located, and which are situated upon and adjoin the boundary line of a neighboring state, are hereby authorized in their discretion to appropriate and to raise money by taxation and to

Payment
for support,
etc., of
inmates of
institutions
authorized.

make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to hospitals in such adjoining state for the purpose of maintaining a bed or beds in such hospital for the benefit of and to be used exclusively by the inhabitants of such village or town. Boards of trustees of villages and town boards of towns situate upon the boundary line of a neighboring state, which have appropriated and raised money by taxation for the purpose of maintaining a bed or beds in a hospital in such adjoining state and have not paid the same are hereby authorized to use said money for the purpose for which it was appropriated and raised. Payments to such hospital in an adjoining state shall be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities.

§ 2. This act shall take effect immediately.

Chap. 156.

AN ACT to amend the highway law, relative to the payment of money by the state for aid to towns in repairing highways.

Became a law, March 14, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-three of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter four hundred and twelve of the laws of eighteen hundred and ninety-three and chapter three hundred and fifty-one of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 53. **Annual tax under money system; certain villages exempt therefrom.**—Any town voting in favor of the money system, shall annually raise by tax, to be levied and collected the same as other town taxes, for the repair of the highways, an annual sum of money, which shall be equal to at least one-half the value at the commutation rates, of the highway labor which should be assessable under the labor system; but in any town in which

there may be an incorporated village, which forms a separate road district, and wherein the roads and streets are maintained at the expense of such village, all property within such village shall be exempt from the levy and collection of such tax for the repair of highways of such town; and the assessors of such town are hereby required to indicate on the assessment roll the property included in such incorporated village, in a column separate from that containing a list of the property in the town not included in such village, and shall also place on the assessment roll the names of all persons liable to poll tax who are not residents of such village, and the board of supervisors are directed to levy a tax of one dollar on each person liable to poll tax as thus indicated; but this act shall not apply to assessments made for damages and charges for laying out or altering any road, or for erecting or repairing any bridge in such town. The amount of such tax shall be determined by the commissioners of highway and the town board, who shall certify the same to the board of supervisors, the same as any other town charge. The clerk of the board of supervisors of each county containing a town which has voted for the money system shall, on or before the first day of January of each year transmit to the state comptroller a statement certified by him, and signed and verified by the chairman of such board, stating the name of each town so voting, and the amount of money tax levied therein for the repair of highways during the preceding year. The comptroller shall draw his warrant upon the state treasurer in favor of the treasurer of the county in which such town is situated, for an amount equal to fifty per centum of the amount so levied in each town. The county treasurer shall pay out the amount so paid to him on account of the money tax levied in any such town upon the order of the highway commissioner thereof, to be used by him, for the repair and permanent improvement of such highways therein, and in such manner as the commissioner of highways and town board may determine. The sum paid by the state to any town by virtue of this section shall not exceed, in any one year, one-tenth of one per centum of the taxable property of such town.

§ 2. This act shall take effect immediately.

Chap. 157.

AN ACT to authorize the city of Utica to purchase lands for a public park in the second ward of said city and to issue bonds to provide for payment thereof.

Passed without the acceptance of the city.

Became a law, March 14, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. City authorized to buy lands for park, et cetera.—The common council of the city of Utica is hereby authorized to purchase lands in the second ward of said city for a public park for the use and benefit of the inhabitants of said city. To provide for the payment for said lands, the common council of said city is hereby authorized to borrow not more than nine thousand dollars and issue the corporate bonds of the city therefor, payable at such times and in such amounts as may be ordered by the common council, but none of them shall run for more than six years. Said bonds shall be signed by the mayor and clerk and shall bear annual interest at not exceeding five per centum per annum.

§ 2. Sale and application of proceeds, et cetera.—Said bonds shall not be sold for less than par and the proceeds thereof, including any premiums received upon such sale, shall be set apart by the treasurer of said city as a separate fund to be used for the purchase of such lands. Any and all sums remaining in such fund after paying for said lands may be transferred by the common council to the city fund for the use and purposes of the city.

§ 3. Tax for payment of bonds.—The common council shall raise each year in the annual city tax levy such sums as may be necessary to pay the amounts of principal and interest falling due during the ensuing year on the bonds hereby authorized.

§ 4. This act shall take effect immediately.

Chap. 158.

AN ACT amending the county law, in relation to the registration of dogs.

Became a law, March 14, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-eight of article six of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as added by chapter four hundred and fifty-five of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 128. **Adoption by county of dog registration provisions.**—The board of supervisors of any county may, by resolution adopted at an annual meeting, determine that the provisions of sections one hundred and twenty-eight to one hundred and thirty-six, both inclusive, of this article shall apply to such county after a date to be specified in such resolution, which date shall be subsequent to the last publication of the resolution as herein required. Such resolution shall also prescribe the annual registration fee to be paid within the several towns in such county for every dog over four months old. A certified copy of such resolution shall be filed in the offices of the secretary of state and of the county clerk of such county, and such resolution, together with sections one hundred and twenty-eight to one hundred and thirty-six, both inclusive of this article shall be published once in each week for six successive weeks in at least two newspapers published in the county to be designated by the board of supervisors. After the date specified in such resolution which shall be subsequent to such publication no taxes upon dogs shall be assessed in any town or village in such county, and the board of supervisors may at any subsequent meeting thereof prescribe a different annual registration fee but must publish such change at least once each week for three successive weeks in at last* two newspapers to be desig-

*So in the original.

nated by the board of supervisors. The board of supervisors of such county may thereafter by resolution adopted, filed and published in like manner determine that the provisions of such sections shall not apply to such county, and after the date specified in such resolution the provisions of law for assessment and collection of taxes on dogs shall apply to such county as if the resolution applying such sections had not been adopted.

§ 2. Section one hundred and twenty-nine of such article and chapter, as added by chapter four hundred and fifty-five of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 129. **Payment of fees; issue of tags; definition of dog.**—Within thirty days after the date specified in the resolution, every person resident within a town in such county owning or harboring a dog over four months old shall pay to the town clerk of the town in which he resides, the registration fee prescribed by such resolution; and every person who shall thereafter acquire or harbor such a dog for which such registration fee has not been paid shall pay such fee within ten days after acquiring or harboring the same. A fee so paid shall entitle such dog to registration until the thirty-first day of December following such payment; and thereafter on or before the tenth day of January in each year a like fee shall be paid by a person owning or harboring such dog. Upon the receipt thereof, the town clerk shall enter in a book kept for that purpose, the name of such owner or person, a description of such dog, and the date of the payment of the registration fee; and shall furnish for the use of such dog a suitable metallic tag stamped with the year of issuance and with a number corresponding with the registration number of such dog. Such tag shall be worn by such dog at all times during the year for which the registration fee shall be so paid. The town clerk shall furnish a duplicate of such tag, whenever the same shall be lost, upon payment of the cost thereof. The expense of procuring such tags shall be paid in the same manner as other town charges from the moneys received from the registration fees. The term dog, as used in sections one hundred and twenty-eight to one hundred and thirty-six, both inclusive, of this article, includes bitch.

§ 3. Section one hundred and thirty-three of such article and chapter, as added by chapter four hundred and fifty-five of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 133. **Seizure of dogs not tagged or registered.**—Each constable in such county shall after the expiration of such thirty days from the date specified in such resolution seize and keep in his possession, until disposed of as herein provided, every dog running at large in his county and not wearing such tag and every dog of which he shall be informed by the town clerk of his town by written notice. He shall forthwith post a notice in a conspicuous place in the office of the town clerk, containing a description of the dog so seized, and a statement of the time of seizure thereof, and that the said dog will be killed at the end of seventy-two hours from the time of posting, such notice stating the hour of such posting, unless the same is registered and the fee for seizing the same as herein provided is paid within such time and shall also serve a copy of the notice so posted, at least forty-eight hours before such dog shall be killed, upon the owner or person harboring such dog, provided that he be known to such constable or can with reasonable diligence be ascertained by him within said county, personally or by leaving the same at his last known place of residence with a person of suitable age and discretion. The constable shall at the end of seventy-two hours from the time of posting and after so serving such notice kill such dog by shooting, unless the same shall before the expiration of that time be registered and a tag procured for the same as provided in section one hundred and twenty-nine, and in addition thereto, the sum of two dollars be paid to such constable for his fees, in which case such dog shall be released. Every constable shall be entitled to receive a fee of one dollar for each dog seized and killed by him under the provisions of this section or of section one hundred and thirty-four of this article, to be paid as other town charges are paid from moneys received for registration fees.

§ 4. This act shall apply to all counties which have heretofore adopted the provisions of sections one hundred and twenty-eight to one hundred and thirty-six both inclusive of article six of chapter six hundred and eighty-six of the laws of eighteen hun-

dred and ninety-two, as added by chapter four hundred and fifty-five of the laws of nineteen hundred and one.

§ 5. This act shall take effect immediately.

Chap. 159.

AN ACT to repeal section thirteen of chapter one hundred and eighty-six of the laws of eighteen hundred and seventeen, entitled "An act to incorporate the Cohecton bridge company," and to authorize the stockholders of said bridge company to increase the capital stock thereof and to construct an iron bridge.

Became a law, March 14, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section thirteen of chapter one hundred and eighty-six of the laws of eighteen hundred and seventeen, entitled "An act to incorporate the Cohecton bridge company" as amended by chapter three hundred and fifty-six of the laws of eighteen hundred and sixty and by chapter seven hundred and eighty-nine of the laws of eighteen hundred and ninety-seven, is hereby repealed.

Authority
to increase
capital
stock.

§ 2. The stockholders of the said bridge company are hereby authorized at their option to increase the capital stock of said corporation so that the same shall not exceed the sum of fifteen thousand dollars for the purpose of constructing an iron bridge in the place and stead of the wooden bridge now in use, and in case said stock shall be so increased the directors of said bridge company shall cause the new stock to be sold at not less than its nominal value and erect an iron bridge, and in case the sale of the new stock shall not bring sufficient money to pay for the iron bridge the directors may assess all of the outstanding stock for that purpose.

§ 3. This act shall take effect immediately.

Chap. 160.

AN ACT to legalize certain acts of the corporation known as the United Presbyterian synod of New York.

Became a law, March 14, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts and resolutions of the United Presbyterian synod of New York, a religious corporation duly incorporated under the laws of the state of New York, performed and passed at a meeting thereof held on the sixteenth day of October, nineteen hundred and one, in the city of Jersey City, in the state of New Jersey, whereby the number of trustees of such corporation was increased from six to nine, and the election of three additional trustees of such corporation at such meeting, are hereby legalized, ratified and confirmed, and shall be of the same force and effect as though such corporation was authorized, under the laws of the state of New York, to so increase the number of its trustees, and to elect such additional trustees. The secretary of state is hereby authorized to file supplemental articles of incorporation, certified by the moderator and clerk of the meeting at which the resolution increasing the number of trustees of such corporation was adopted, which shall contain a copy of such resolution, and a statement of the names of the additional trustees elected at such meeting. Upon the filing of such supplemental articles of incorporation the number of the trustees of such corporation shall be nine, and the additional trustees elected at such meeting shall have the same powers and duties as the other trustees of such corporation.

Acts of corporation legalized.

Secretary of state authorized to file supplemental articles of incorporation.

§ 2. This act shall take effect immediately.

Chap. 161.

AN ACT to amend the forest, fish and game law in relation to black and gray squirrels generally and game in Rensselaer county.

Became a law, March 14, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections twelve and twelve-a of article one of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," are hereby amended to read as follows:

§ 12. **Black and gray squirrels.**—The close season for black and gray squirrels shall be from December sixteenth to September fifteenth both inclusive.

§ 12-a. **Black and gray squirrels; special.**—The close season for black and gray squirrels in Greene county shall be from December sixteenth to September thirtieth, and in Rensselaer county from December first to September thirtieth both inclusive.

§ 2. Section twenty-seven of said act is hereby repealed.

Chap. 162.

AN ACT to amend chapter two hundred and eighty-five of the laws of eighteen hundred and eighty-four, entitled "An act to provide for the transfer of securities and property by bankrupt corporations, to the receivers of such corporations, and for the transfer by the superintendent of the insurance department to receivers of insolvent life insurance and annuity companies of funds and securities deposited with such superintendent by such companies for the security of policy-holders."

Became a law, March 14, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two, chapter two hundred and eighty-five of the laws of eighteen hundred and eighty-four, entitled "An

Act
amended.

act to provide for the transfer of securities and property by bankrupt corporations to the receivers of such corporations and for the transfer by the superintendent of the insurance department to receivers of insolvent life insurance and annuity companies, of funds and securities deposited with such superintendent by such companies for the security of policy-holders," is hereby amended so as to read as follows:

§ 2. In every case where life insurance or annuity companies, or any corporation of either of the classes provided for by articles two and five of the insurance law, entitled respectively "life, health and casualty insurance corporations" and "title and credit guaranty corporations," whether formed under said articles or prior thereto, has been or hereafter may be dissolved, and a receiver thereof appointed, upon the application of the attorney-general, or by action begun in the name of the people of the state of New York, each and every security and fund which shall have been deposited by such company prior to its dissolution, with the superintendent of the insurance department, for the security and protection of its policy-holders or any class of such policy-holders, under the statutes in such cases made and provided, may, by an order of the supreme court, made at a special term thereof held within the judicial district in which the principal office of such company was located, prior to its dissolution, upon the application of the attorney-general, after service of eight days' written notice of such application upon the superintendent of the insurance department, be transferred from the said superintendent of the insurance department to the receiver of such company; and thereupon the said superintendent shall deliver such funds and securities to such receiver, and to him the title thereto shall remain vest. Such receiver shall thereupon convert such securities and funds into money, and shall distribute the proceeds thereof, and of each and every class of such funds or securities, among the respective holders of valid policies of such company for whose benefit and security the deposit or deposits were originally made proportionately to the respective valuations of such policies, as shall be ascertained in proceedings taken by such receiver for the valuation of policies, and the determination of the liabilities of such company under the statutes in such cases made and provided, and the course and practice of the

In case of insurance companies, supreme court may order a transfer of securities to receiver, etc.

supreme court in cases of insolvent corporations, until such valuation shall have been paid in full. If any portion of such proceeds shall then remain, such balance may, under an order of the supreme court in such behalf duly made at special term, be made a part of the general assets of such receivership, and thereupon be distributed by said receiver in payment of or upon the general liabilities of such dissolved company according to law. And in case of a corporation formed under the laws of any other state, doing insurance business in this state of the nature of that done by the corporations above mentioned, in case of any action or proceeding brought or hereafter to be brought in this state by the attorney-general, or in the name of the people of the state of New York, for the winding up of its business in this state, or for or involving distribution of its assets therein, the same proceedings may be had with reference to any securities and funds deposited by such corporation with the superintendent of the insurance department of this state under the statutes in such case made and provided, as are hereinbefore provided with reference to deposits of corporations of this state, save only that the order for transfer of the deposit may be made in the judicial district in which the principal office of the corporation in this state was located at the commencement of the action or proceedings, or in the third judicial district.

§ 3. This act shall take effect immediately.

Chap. 163.

AN ACT to amend chapter four hundred and fifty-seven of the laws of eighteen hundred and ninety, entitled "An act to provide for the care, control and management of the cemetery in the ninth ward of the city of Syracuse," in relation to the name and management thereof.

Accepted by the city.

Became a law, March 14, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter four hundred and fifty-seven of the laws of eighteen hundred and ninety, entitled "An act to

provide for the care, control and management of the cemetery in the ninth ward of the city of Syracuse," is hereby amended so as to read as follows:

§ 1. The cemetery situated on farm lot number one hundred and sixty-seven, in that part of the late town of Geddes, annexed to the city of Syracuse by chapter three hundred and ninety-seven of the laws of eighteen hundred and eighty-six, shall be known and hereafter designated as Myrtle Hill cemetery, and shall be under the care, control and management of five trustees, who shall be residents and freeholders of the ninth or tenth wards of the city of Syracuse.

Care and
control of
cemetery.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Within ten days after the passage of this act, the mayor of the city of Syracuse shall appoint a board of trustees to be known as the board of trustees of the Myrtle Hill cemetery in said city, which shall consist at all times of five members. The first five trustees shall respectively hold office until the first day of March, eighteen hundred and ninety-two, eighteen hundred and ninety-four, eighteen hundred and ninety-six, eighteen hundred and ninety-eight, nineteen hundred. When appointed, their respective terms of office shall be designated. The terms of all other trustees appointed under this act (except to fill vacancies) shall be for ten years, and they shall be appointed by the mayor of said city within ten days prior to the expiration of the term of any trustee they are appointed to succeed.

Trustees,
appoint-
ment and
terms of.

§ 3. The trustees of said cemetery heretofore appointed and now holding office under said section two of chapter four hundred and fifty-seven of the laws of eighteen hundred and ninety shall remain in office for the respective terms for which they were appointed and shall hereafter be known as the board of trustees of Myrtle Hill cemetery in the city of Syracuse.

New title.

§ 4. This act shall take effect immediately.

Chap. 164.

AN ACT to amend chapter eighty-three of the laws of nineteen hundred and one, entitled "An act to provide for the improvement of the public highways in the county of Orange," in relation to railroad crossings and the use of such public highways after construction.

Became a law, March 14, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section five of chapter eighty-three of the laws of nineteen hundred and one, entitled "An act to provide for the improvement of the public highways in the county of Orange," is hereby amended to read as follows:

Maintenance of highways.

§ 5. Any highway or section thereof constructed or improved under this act shall be maintained in the manner provided in said chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight. No street surface railroad shall be constructed upon any part of the highway in the county of Orange improved under this act, and chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, and the acts amendatory thereof and supplemental thereto. If any telegraph, telephone or electric light poles are erected along such a highway in such county, they shall be located in all cases at least twenty feet from the center of the highway.

Construction of railroads prohibited.

§ 2. Section six of such act is hereby amended to read as follows:

Grade crossings.

§ 6. Whenever a public highway in the county of Orange improved under this act and chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, and the acts amendatory thereof and supplemental thereto, crosses a railroad and a change is made in the manner of such crossing from grade to overhead or under grade crossing, or the elimination of a crossing, the board of supervisors or the sub-contractor for such improvement, may agree with the railroad corporation owning or operating such railroad upon the cost of such change and the making thereof, in which case the railroad corporation shall pay one-half

thereof to the county treasurer of the county of Orange, who shall pay one-half of the amount received from such railroad corporation to the state engineer and surveyor, to be expended by him for highway improvement under the provisions of chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, and the acts amendatory thereof and supplemental thereto; and the county treasurer shall credit the remaining one-half or any part thereof to the sinking fund authorized to be established by this act or to the general fund of the county, as the board of supervisors shall direct. When a highway improved under this act and chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight and the acts amendatory thereof and supplemental thereto, crosses a street surface railroad by an overhead bridge, the frame work of the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the roadway thereover and the approaches thereto, shall be maintained and kept in repair by the municipality in which the same are situated. When such a highway passes under a street surface railroad, the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the subway and its approaches shall be maintained and kept in repair by the municipality in which the same are situated.

§ 3. This act shall take effect immediately.

Chap. 165.

AN ACT to legalize the proceedings of the board of supervisors of the county of Dutchess relative to the erection of a new county house in said county and the issuance of county bonds therefor, and to provide for the payment of said bonds and the interest thereon.

Became a law, March 14, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The proceedings taken by the board of supervisors of the county of Dutchess, at its annual session in the year nine-

Proceedings of board of supervisors legalized.

Bonds,
valid obli-
gations.

teen hundred and one, under the provisions of section five of chapter seventeen and section twelve of chapter eighteen of the general laws, for the erection of a new county house in said county, the awarding and execution of the contracts for its erection, the appointment of a committee to erect said building and to audit and pay the bills of the contractors therefor, and the resolution providing for the execution of bonds aggregating sixty-five thousand dollars, are, subject to the provisions of this act, in all things hereby ratified and confirmed; and the said bonds when issued, shall be valid county obligations and a lien upon the taxable property of said county of Dutchess, exclusive of the city of Poughkeepsie, which fact shall be recited in said bonds which shall also contain a recital of this act.

Publica-
tion of sale.

§ 2. The said bonds shall be issued and delivered to the purchasers to whom they have heretofore been awarded, and upon the award heretofore made of the same, provided the said purchasers are willing to accept said bonds upon the said award, under this act; otherwise said bonds shall be resold, and the notice of sale thereof shall state that pursuant to chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six and of this law, such bonds, when issued, shall be obligations for which said county, exclusive of the city of Poughkeepsie, shall be liable. The negotiation of said bonds, if resold, shall be by selling the same to the highest bidder at not less than par, upon giving not less than ten days' previous notice of the time and place of sale, by publishing the same in two newspapers printed in said county of Dutchess.

Taxes.

§ 3. The board of supervisors of said county of Dutchess shall cause such taxes to be levied upon and collected from the property within said county, exclusive of said city, as may be necessary to pay the installments and interest on said bonds as they shall become due, until said bonds and the interest thereon are fully paid.

§ 4. This act shall take effect immediately.

Chap. 166.

AN ACT to amend the highway law relative to the throwing of rubbish on highways.

Became a law, March 14, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section twenty of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general law," as amended by chapter fifty-five of the laws of nineteen hundred and one, is hereby amended to read as follows: Act amended.

§ 5. Cause all loose stone lying in the beaten track of every highway within his district, to be removed once in every month, from the first day of April until the first day of December, in each year. Stones so removed shall not be thrown into the gutter, nor into the grass adjoining such highway, but they shall be conveyed to some place, from which they shall not work back or be brought back into the track by the use of road machines or other implements used in repairing such highways. Any person who shall violate the provisions hereof or who shall deposit or throw loose stones in the gutter or grass adjoining a highway or shall deposit or throw upon a highway ashes, papers, stones, sticks, or other rubbish, to the detriment or injury of the public use of, or travel upon such highway, shall be liable to a penalty of ten dollars, to be sued for and recovered by the commissioner or commissioners of highways, or in case of his or their refusal or neglect to act, by any taxpayer of the town in the name of the town in which the offence shall be committed, and when recovered, one-half of the amount shall be applied by them in improving the highways and bridges in such town. The other half shall be paid to the person upon whose written information the action was brought. Any commissioner of highways who shall neglect to prosecute for or join in an action with the other commissioners of highways to recover such penalty, knowing the same to have been incurred, or within twenty days after a Removal of loose stones.

Penalty.

sworn statement has been laid before them showing that a party is liable to such penalty, shall be guilty of a misdemeanor.

§ 3. This act shall take effect immediately.

Chap. 167.

AN ACT to provide for extending the time in which to pay assessments for improvements ordered by the public improvement commission of the city of Cohoes and for retiring certificates of indebtedness issued by the city of Cohoes for such improvements and for the issue of certificates of indebtedness to cover the costs of improvements.

Accepted by the city.

Became a law, March 15, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Extension
of time to
pay assess-
ments.

Section 1. Any person, persons or corporations against whose property an assessment has been levied for any of the improvements heretofore made or ordered by the public improvement commission of the city of Cohoes and of which there remains the whole or any part unpaid shall be discharged from said assessment by paying to the chamberlain of the city of Cohoes within twenty days after the passage of this act the unpaid principal amount of said assessment together with all unpaid interest thereon computed at the rate of four per centum per annum from the date of the confirmation of such assessment to the date of payment; but any such person, persons or corporations may have the time in which to pay the same extended so as to make the unpaid portion of such assessment payable in twenty equal installments plus interest at the rate of four per centum per annum which shall become due and payable yearly on each installment, by paying the first of such installments and all unpaid interest to date of payment computed at the rate of four per centum per annum which payment shall be made within two months from the time of the passage of this act. The remaining installments shall be payable one at the expiration of each year for the next nineteen years. Upon fail-

Payments,
when due.

ure to pay any such installment and interest within two months after the same shall become due the whole of the remainder of said assessment shall become due and payable immediately with interest at the rate of one per centum per month.

§ 2. The common council of the city of Cohoes is hereby authorized to retire the certificates of indebtedness heretofore issued for any of the improvements mentioned in section one of this act by paying thereon such sums and amounts as may have been collected from the assessments levied for such improvements and by issuing new certificates of indebtedness for the amount remaining unpaid. Said certificates of indebtedness shall be signed by the mayor of said city and countersigned by the chamberlain and city clerk and the seal of said city affixed thereto by said clerk. They shall be of such denominations and payable at such time or times and places not exceeding nineteen years as the common council shall determine and shall bear interest at a rate not exceeding four per centum per annum to be fixed by said common council. Such certificates shall be sold by the chamberlain of said city at public auction and at not less than par after giving ten days notice by advertising such sale in a newspaper to be designated by the common council.

Common council authorized to retire and issue new certificates of indebtedness.

Certificates, when payable.

Notice and publication of sale.

§ 3. The common council of said city is also authorized and directed to issue certificates of indebtedness of said city to the amount of all unpaid assessments heretofore levied for the payment of improvements made or ordered by the public improvement commission of the city of Cohoes, and for which no certificates of indebtedness have been issued. Such certificates shall be issued and sold in the same manner and form as the certificates provided for in section two of this act, and the proceeds thereof shall be deposited with the chamberlain subject to the order of the public improvement commission of the city of Cohoes.

Application of proceeds.

§ 4. This act shall take effect immediately.

Chap. 168.

AN ACT to amend the general city law, relating to crematories for the disposal of garbage.

Became a law, March 15, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article one of chapter three hundred and twenty-seven of the laws of nineteen hundred, entitled "An act in relation to cities, constituting chapter twenty-two of the general laws," is hereby amended by adding at the end thereof a new section to be known as section fifteen and to read as follows:

§ 15. Operation of crematories for disposal of garbage.—A crematory owned or controlled by any person or corporation or by a city, for the consuming of garbage or other refuse matter from any city, shall be so operated by the use of coke, charcoal, or other fuel device or method that the noxious gases and fumes arising from the consumption of such garbage or other refuse matter shall be burned or disposed of without offense to the persons residing in the neighborhood of such crematory. The city authorities or the person or corporation owning or controlling such crematory shall cause the necessary devices, and fuel or other supplies to be furnished for the consumption or proper disposal of such gases and fumes. Any city employee or other person operating such crematory who shall fail or neglect to use the devices and supplies furnished for such consumption or disposal shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 169.

AN ACT to amend the membership corporations law relating to corporations for the prevention of cruelty.

Became a law, March 15, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-one of article five of the membership corporations law is hereby amended to read as follows:

§ 71. Prohibition of new corporations in certain counties.—A corporation for the prevention of cruelty to animals shall not hereafter be incorporated for the purpose of conducting its operations in the counties of New York, Kings, Queens, Richmond, Suffolk, Westchester or Rensselaer, or in any other county if thereby there would be two or more such corporations formed for the purpose of conducting operations in such county. But any corporation for the prevention of cruelty to children or to animals or to both may exercise its powers and conduct the like operations in any adjacent county in which no such corporation for such purpose exists, and may continue to do so until the establishment of such a corporation therein.

§ 2. This act shall take effect immediately.

Chap. 170.

AN ACT to provide for the audit and payment of certain outstanding claims against the city of Syracuse, constituting the deficiency for the years eighteen hundred and ninety-six, eighteen hundred and ninety-seven, and eighteen hundred and ninety-eight.

Accepted by the city.

Became a law, March 15, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Ceylon H. Lewis, Charles Hubbard, and Eugene J. Mack, the comptroller of the city of Syracuse, all of the city of Syracuse, are hereby authorized and directed to determine the several amounts of the deficiencies existing in the general contingent fund, the highway fund, and in any other fund of the city of Syracuse, on the thirty-first day of December, eighteen hundred and ninety-eight, and to audit all outstanding claims against the city of Syracuse, which such city is legally or equitably obligated to pay, and which were incurred between the thirty-first day of December, eighteen hundred and ninety-five, and the first day of January, eighteen hundred and ninety-nine.

§ 2. Before entering upon their duties, as prescribed in this act, each of said persons shall take and file with the city clerk

Commission created.

Official oath

an oath to faithfully and honestly perform the duties required of him by this act. In case of the death, resignation or failure to act of any of said persons a majority of those remaining shall appoint a suitable person to fill such vacancy. There shall be allowed and paid by said city to each of said persons, except the comptroller, as compensation for all expenses incurred in the performance of his duty under this act, the sum of fifty dollars. They may appoint a clerk, who shall keep a true record of their proceedings, and who shall receive the sum of fifty dollars as compensation in full for services and all expenses.

Vacancies.

Compensation.

Duties.

Quorum.

Publication of notice.

§ 3. They shall, within ten days after the taking effect of this act, meet and organize, and may adjourn from time to time as may be necessary for the proper performance of their duties, but they shall complete their work on or before the fifteenth day of August, nineteen hundred and two. A majority of said persons shall constitute a quorum for the transaction of business. They may adopt rules regulating the conduct of proceedings before them. They shall publish* a notice in the official city papers specifying the time within which all outstanding claims described in section one of this act shall be submitted to them. The expense of the publication of such notice shall be a city charge, to be paid in the same manner as other city charges. Any one of them may administer oaths, and a majority of them may subpoena witnesses and take testimony in respect to the matters properly brought before them.

Determination.

Tax.

§ 4. They shall determine the several amounts of the deficiencies so existing in said city funds on the thirty-first day of December, eighteen hundred and ninety-eight, and shall audit all claims presented to them in accordance with the provisions of this act, and they, or a majority of them, shall certify in detail to the common council and comptroller of said city the amounts of the deficiencies so existing in each of said city funds on said date, and the amount at which said several claims are allowed, and the names of the persons or corporations entitled to the same respectively. The comptroller shall thereupon issue warrants upon the city treasurer, payable out of the funds to be raised by tax for the year nineteen hundred and two, for the amounts and to the persons or corporations so certified as being entitled thereto, and the city treasurer shall pay the same.

*So in the original.

§ 5. There shall be included in the annual tax budget of said city for the year nineteen hundred and two, in addition to the items and charges otherwise provided by law as constituting the same, the total amount of such deficiencies so determined and certified, and of all such claims so audited, allowed and certified, including the sum of one hundred and fifty dollars, the amount provided to be paid as compensation and expenses of said persons and their clerk, the whole of which amount shall be levied and assessed on the taxable property in said city, and collected for the year nineteen hundred and two, in the same manner as other city taxes are levied, assessed and collected for said year.

Determina-
tion of
deficiencies
to be in-
cluded in
annual tax
budget.

§ 6. Nothing contained in this act shall affect any action or proceeding now pending against the city of Syracuse, or any former or present board or officer thereof, or any liability already incurred by said city or any such board or officer.

Proviso.

§ 7. This act shall take effect immediately.

Chap. 171.

AN ACT to amend the tax law, relative to the sale of lands for unpaid taxes.

Became a law, March 15, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter nine hundred eight of the laws of eighteen hundred ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 9. Place of taxation of real property.—When real property is owned by a resident of a tax district in which it is situated, it shall be assessed to him. When real property is owned by a resident outside the tax district where it is situated, and is occupied, and the occupant is a resident of the tax district, it shall be assessed to either the owner or occupant. If the occupant resides out of the tax district or if the land is unoccupied, it shall be assessed as non-resident, as hereinafter provided by article two.

In all cases the assessment shall be deemed as against the real property itself, and the property itself shall be holden and liable to sale for any tax levied upon it.

§ 2. Said chapter is hereby amended by inserting therein in article three a new section to be numbered sixty, and to read as follows:

§ 60. Certain errors in roll to be corrected.—The assessment of a non-resident parcel of real estate in the resident portion of the roll, the assessment of a resident parcel of real estate in the non-resident portion of the roll, an error in the name of the owner or occupant or the assessment of a parcel of real estate to the name of a deceased person or to his estate, shall not render the assessment invalid or render the tax levied on the valuation of said real estate invalid. The board of supervisors of each county may at any time before levying the tax as provided in article three of this act, at the request of the supervisor of the tax district in which the real estate is situated, correct any errors which may come to his knowledge in the assessment of any parcel of real estate in his district, in either of the cases mentioned in this section.

§ 3. Section eighty-nine of said chapter is hereby amended to read as follows:

§ 89. Unpaid taxes on resident real property to be reassessed.—When the tax on any real property, not assessed as non-resident, is returned as unpaid and so remains, the county treasurer shall immediately deliver a transcript thereof to the supervisor of the tax district in which such tax was assessed. Such supervisor shall, if in his power, within thirty days thereafter, cause an accurate description of such real property to be made and returned to said treasurer, with the correct amount of taxes thereon, each kind of tax being stated separately, and if necessary, he may cause a survey and map of any of said real property to be made, and the expense of such survey and map on, or for each lot or parcel shall be returned to said treasurer, and be a legal charge upon such real property and be collected with the taxes thereon. The amount of such tax shall bear interest at the rate of eight per centum per annum from the first day of February until paid, or until the sale of such property to satisfy such tax by the county treasurer, or if the property is located in a county embracing a portion of the forest preserve,

until the return of such unpaid tax to the comptroller. And such real property and the tax thereon shall be regarded for all purposes of assessment, collection and sale as non-resident, and subject to all the provisions of the tax law in relation to non-resident real property and non-resident taxes.

§ 4. Section one hundred of said chapter amended by chapter three hundred and sixty-two of the laws of eighteen hundred ninety-eight, is hereby amended to read as follows:

§ 100. **Return of unpaid non-resident taxes.**—The collector shall return the original assessment roll to the county treasurer, and when the treasurer finds an account of unpaid taxes on real property or unpaid taxes on corporations, received from a collector to be a true transcript of such original assessment roll to which the collector's warrant is attached, with the descriptions furnished by the supervisor as provided in section eighty-nine, he shall add to it a certificate that he has examined and compared the account with such roll and found it to be correct, and after crediting the collector with the amount thereof, he shall, except in Saint Lawrence, Lewis, and Oneida counties, in case his county embraces a portion of the forest preserve, before the first day of May next ensuing, transmit such account, affidavit and certificate to the comptroller who may before acting thereon return any such account to the county treasurer for correction, who shall make such correction and return to the comptroller in one month thereafter or as the comptroller may otherwise direct.

§ 5. Section one hundred one of said chapter is hereby amended as follows:

§ 101. **Rejection of taxes.**—The comptroller shall examine every account of arrears of taxes on lands of non-residents received from the county treasurer and reject all taxes entered therein, found to be erroneous, or charged on lands imperfectly described, and shall annually on or about September first, transmit to each county treasurer a transcript of the taxes of the preceding year in any tax district of his county, which shall have been rejected for any cause, with the grounds of such rejection. The comptroller may correct the description of real property in cases where the error is of such nature that the word, words or figures necessary to correct the same are self evident from the context.

§ 6. Section one hundred thirty-four of said chapter is hereby amended to read as follows:

§ 134. Notice to occupants.—If any lot or separate tract of land sold for taxes by the comptroller and conveyed, or any part thereof shall, at the time of the expiration of one year given for the redemption thereof, be in the actual occupancy of any person, the grantee to whom the same shall have been conveyed, or the person claiming under him, shall within one year from the expiration of the time to redeem, serve a written notice on the person occupying such land, either personally or by leaving the same at the dwelling house of the occupant, with a person of suitable age and discretion belonging to his family. If the occupant does not reside in the tax district in which the real estate is situated the notice may be served by mail in the manner required by law in respect to notices of non-acceptance or non-payment of notes or bills of exchange. Service on one joint tenant or tenant in common shall be service on all the joint tenants or tenants in common. Service on a tenant shall be service on his landlord. The term "occupant" shall be construed to mean a person who has lawfully entered upon the land so occupied, and is in possession of the same to the exclusion of every other person. And the term "occupancy" shall mean the actual lawful and exclusive use and possession of such lands and premises by such an occupant. The notice shall state in substance, the sale and conveyance of the land, the person to whom made, the amount of consideration money mentioned in the conveyance, with the addition of thirty-seven and one-half per centum thereon and of the sum paid for the deed, and that unless such consideration money and percentage with the sum paid for the deed, shall be paid into the state treasury for the benefit of the grantee, within six months after the time of filing in the comptroller's office of the evidence of the service of such notice, the conveyance shall become absolute and the occupant and all others interested in the land be forever barred from all right or title thereto. No conveyance made in pursuance of this section shall be recorded until the expiration of the time mentioned in such notice, and the evidence of the service of such notice shall be recorded with such conveyance.

§ 7. Section one hundred fifty of said chapter as amended by chapter three hundred sixty-two of the laws of eighteen hundred ninety-eight is hereby amended to read as follows:

§ 150. **When lands to be sold for unpaid taxes.**—Whenever any tax charged on real estate in the counties of Saint Lawrence, Lewis and Oneida, or in a county not including a portion of the forest preserve, is returned, to the county treasurer, he shall not return the same to the comptroller, but if such tax, with interest thereon at the rate of ten per centum per annum computed from the first day of February after the same is levied, shall remain unpaid for six months from that date, such county treasurer shall advertise and sell such real estate, as herein provided, for the payment of such tax, and interest and the expense of such sale. The expense of publication of the notice of sale and the list of lands to be sold and the expense of conducting the sale shall be a charge on the land liable to be sold and shall be added to the tax and interest. The county treasurer of the county of Rockland may defer the sale of any parcel of non-resident real estate in such county for unpaid taxes, until the unpaid taxes thereon with accrued interest shall amount in the aggregate to the sum of two dollars.

§ 8. This act shall take effect immediately.

Chap. 172.

AN ACT to amend the tax law, in relation to the taxation of trust companies.

Became a law, March 17, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two, four and five of chapter one hundred and thirty-two of the laws of nineteen hundred and one, entitled "An act to amend the tax law, in relation to the taxation of trust companies," which were inadvertently repealed by chapter five hundred and thirty-five of the laws of nineteen hundred and one, entitled "An act to amend the tax law, in relation to

the taxation of trust companies", are revived and reenacted and shall be deemed to have continued in force since the date when said sections originally took effect, as follows:

§ 2. Section one hundred and eighty-nine of such chapter is hereby amended by adding thereto a subdivision to be subdivision seven thereof and to read as follows:

7. **Trust companies.**—Every company liable to pay a tax under section one hundred and eighty-seven-a of this chapter shall, on or before August first in each year, make a written report to the comptroller of its condition at the close of business on June thirtieth preceding, separately stating the amount of its capital stock, the amount of its surplus, and the amount of its undivided profits, and containing such other data, information or matter as the comptroller may require.

§ 4. Section two hundred and two of such chapter is hereby amended to read as follows:

§ 202. **Exemptions from other state taxation.**—The personal property of every corporation, company, association or partnership, taxable under this article, other than for an organization tax, shall be exempt from assessment and taxation upon its personal property for state purposes, and the personal property of every corporation taxable under section one hundred and eighty-seven-a of this article, other than for an organization tax, and as provided in chapter thirty-seven of the general laws, shall be exempt from assessment and taxation for all other purposes, if all taxes due and payable under this article have been paid thereby. The personal property of a private or individual banker, actually employed in his business as such banker, shall be exempt from taxation for state purposes, if such private or individual banker shall have paid all taxes due and payable under this article. Such corporation and private or individual banker shall in no other respect be relieved from assessment and taxation by reason of the provisions of this article. The owner and holder of stock in an incorporated trust company liable to taxation under the provisions of this act shall not be taxed as an individual for such stock.

§ 5. This act shall take effect immediately.

§ 2. This act shall take effect immediately.

Chap. 173.

AN ACT to amend section three of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the city of Little Falls" and acts amendatory thereof

Accepted by the city.

Became a law, March 18, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter five hundred and sixty-five of the laws of eighteen ninety-five, entitled "An act to incorporate the city of Little Falls" and the acts amendatory thereof, is hereby amended so as to read as follows: Charter amended.

§ 3. Boundaries of city.—The territory included within the following boundaries is hereby constituted a city, which shall be known as the city of Little Falls, to wit:—Beginning at a stone monument marked L. F. 1895, N. W. distant five thousand feet south eighty-two degrees and thirty minutes west (this bearing referring to the true meridian) from stone monument marked L. F. 1895, I, which stands north (true meridian) sixteen hundred and fifty feet from monument number two hundred and nine of the New York state survey: thence with ninety degrees left deflection eight thousand six hundred feet to a stone monument marked L. F. 1895, S. W.; thence with ninety degrees left deflection eleven thousand six hundred feet to a stone monument marked L. F. 1895, S. E; thence with ninety degrees left deflection eight thousand six hundred feet to a stone monument marked L. F. 1895, N. E.; thence with ninety degrees left deflection four thousand eight hundred and eighty-five and two tenths feet to a stone monument near the east bounds of Fairfield road; thence north forty-eight degrees and nineteen minutes west one hundred thirty-nine and three tenths feet; thence north three degrees and eighteen minutes east along the east bounds of the Fairfield road, three hundred and ninety feet; thence north five degrees and thirty-one minutes west three hundred feet; thence north eight degrees and nine minutes west two thousand five hundred feet to the intersection of said east

line of the Fairfield road with the south line of the Keller cross road; thence south eighty-two degrees and fifty-nine minutes west along the south bounds of said Keller cross road, one thousand nine hundred and nine feet; thence south eighty-three degrees forty-three minutes west nine hundred and fifty feet; thence south eighty-two degrees and ten minutes west six hundred and sixty feet; thence south seventy-three degrees and eight minutes west one hundred and fifty feet to the intersection of the said south line of the Keller cross road, and the west line of the Top Notch road; thence south three degrees and fifty minutes east along the west bounds of the Top Notch road, five hundred and two feet; thence south three degrees and twenty-six minutes east four hundred feet; thence south two degrees and seven minutes west three hundred and seventy feet; thence south eight degrees and nine minutes east one hundred feet; thence south seventeen degrees and forty-four minutes east two hundred and ten feet; thence south five degrees and nine minutes east two hundred and twenty-five feet; thence south seventeen degrees and twelve minutes west two hundred and twenty-five feet; thence south twenty-seven degrees and four minutes west one hundred and twenty-five feet; thence south thirty-eight degrees and thirty-five minutes west one hundred and sixty-five feet; thence south two degrees and two minutes west one hundred and seventy feet; thence south twelve degrees and forty-seven minutes west three hundred and sixty feet; thence south forty-four degrees and twenty-three minutes west nine hundred and eighty-eight feet to a stone monument, near the west bound of the Top Notch road; thence south eighty-two degrees and thirty minutes west one thousand seven hundred and five feet to the place of beginning. All courses in the foregoing bounds refer to the true meridian.

§ 2. This act shall take effect immediately.

Chap. 174.

AN ACT to amend section four of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the city of Little Falls" and acts amendatory thereof.

Accepted by the city.

Became a law, March 18, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five entitled "An act to incorporate the city of Little Falls" and the acts amendatory thereof, is hereby amended so as to read as follows: Charter amended.

§ 4. **Division of wards; ward boundaries.**—The said city shall be divided into four wards, bounded respectively, as follows:

First ward.—All that part of said city bounded southerly by the north line of the lands of the New York Central and Hudson river railroad company; easterly by the center of Ann street from the north line of said railroad to its intersection with the center line of Church street; thence along the center line of Church street and the present Eatonville road to its intersection with the city line; thence along said city line westwardly to the western bounds of the city; and westerly by the western boundary of said city.

Second ward.—All that part of said city bounded southerly by the center line of Albany street, commencing at its intersection with the center line of Ann street and thence along that line to its intersection with the center line of Mary street; thence northerly along the center line of Mary street to its intersection with the center line of Garden street; thence easterly along the center line of Garden street to its intersection with the center line of Salisbury street; thence northerly along the center line of Salisbury street and the Salisbury road, so called, to the northern boundary of said city; thence westerly along the boundary of the city to the west line of the Fairfield road; thence north along said east bounds to the south line of the Keller cross road; thence westerly along the south line of the Keller cross road to the west line of the Top Notch

road; thence south along the west bounds of the Top Notch road to a stone monument, distant three thousand two hundred and ninety-five feet south eighty-two degrees and thirty minutes west, from the stone monument in the true meridian, mentioned in section three of this act as amended; thence on a bearing south eighty-two degrees and thirty minutes west to the center line of the Eatonville road; thence southerly along the center line of said Eatonville road and Church street to the center line of Ann street; thence southerly along the center line of Ann street to its intersection with the center line of Albany street to the place of beginning.

Third ward.—All that part of said city bounded southerly by the center line of Albany street, commencing at its intersection with the center line of Mary street, and thence easterly to the center line of East Main street; thence easterly along the center line of East Main street to its intersection with the north line of the lands of the New York Central and Hudson river railroad company; thence easterly along that line to the city line, easterly by the eastern boundary of the city, northerly by the northern boundary of the city; westerly by the center line of the Salisbury road and along said center line through Salisbury street to the center line of Garden street; and thence along the center line of Garden street to the center line of Mary street; thence southerly along the center line of Mary street to the center line of Albany street, to the place of beginning.

Fourth ward.—All that part of said city bounded by the north line of lands of the New York Central and Hudson river railroad company, from its intersection with the city line on the west, easterly to its intersection with the center line of Ann street; thence northerly along the center line of Ann street to its intersection with the center line of Albany street; thence easterly along the center line of Albany street and of East Main street to the intersection thereof with the north line of lands of said railroad company; and thence easterly along said north line to the city line, and easterly, southerly and westerly by the boundary lines of the city.

For the purpose of assessment and taxation the land and property of the Little Falls and Dolgeville railroad company within said city shall be deemed to be situated, located and assessable within the third ward of the city as above described.

§ 2. This act shall take effect immediately.

Chap. 175.

AN ACT to release and convey to the Corning foundation for christian work in the diocese of Albany whatever, if any, title or interest the people of the state of New York have acquired in the property and estate of sister Katheryn Brown, deceased.

Became a law, March 18, 1902, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The right, title and interest of the people of the state of New York, if any, in and to the property and estate of sister Katheryn Brown deceased, of the sisterhood of the holy child Jesus, engaged in the work of the Corning foundation for christian work in the diocese of Albany, particularly in a certain mortgage of September twentieth, eighteen hundred and ninety-four, given by Anna C. Muxen and Mathias J. Muxen to Henry Capen, to secure the payment of the sum of five hundred dollars and interest, recorded in Sac county, Iowa, September twenty-first, eighteen hundred and ninety-four, in book seven of mortgages at page three hundred and ninety-one, and the notes to which it is collateral, and also in a certain mortgage of January second, nineteen hundred and one, given by Otto Fick and Mary Fick to Fred D. Capen, to secure the payment of the sum of twelve hundred dollars and interest, recorded in recorder's office of Nonona county, Iowa, January thirty-first, nineteen hundred and one, in book thirty-eight of mortgages at page three, and the notes to which it is collateral, and in and to any other property or estate left by said decedent, are hereby released, assigned and transferred to the Corning foundation for christian work in the diocese of Albany, to be by it applied to the uses and purposes of the sisterhood of the holy child Jesus; and the governor of the state of New York is hereby authorized to execute, on behalf and in the name of the people of the state of New York any and all proper instruments of transfer and assignments suitable and proper for the purpose of carrying out the purpose of this act.

State's title
to property,
released to

Governor's
authority.

§ 2. This act shall take effect immediately.

Chap. 176.

AN ACT to amend the election law, relative to places of filing nominations in the county of Dutchess.

Became a law, March 18, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-six of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the elections, constituting chapter six of the general laws," as amended by chapter three hundred seventy-nine of the laws of eighteen hundred ninety-seven, chapter three hundred eighty-one of the laws of nineteen hundred, and chapters ninety-five and six hundred and fifteen of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 86. **Officers providing ballots and stationery.**—The clerk of each county, except those counties the whole of which are within the city of New York, shall provide the requisite number of official and sample ballots, cards of instruction, two poll books, distance markers, two tally sheets, inspectors' and ballot clerks' return sheets (three of each kind, and one of each to be marked "original"), pens, penholders, ink, pencils having black lead, blotting paper, sealing wax and such other articles of stationery as may be necessary for the proper conduct of the election, and the canvass of the votes, for each election district in such county and not within the city of New York, for each election to be held thereat, except that when town meetings, city or village elections and elections for school officers are not held at the same time as a general election the clerk of such town, city or village, respectively, shall provide such official and sample ballots and stationery for such election or town meeting. If the town meeting is held on general election day ballots and sample ballots for town officers and propositions shall be provided by the town clerk in like manner and in the same form as at a town meeting held at any other time and such town clerk shall also furnish inspectors' and ballot clerks' return sheets for making returns of the election of town officers and on town propositions or questions. And the board of elec-

tions of the city of New York shall provide such articles for each election to be held in said city. Each officer or board charged with the duty of providing official ballots for any polling place, shall have sample ballots and official ballots provided, and in the possession of such officer or board, and open to public inspection as follows: The sample ballots five days before the election, and the official ballots four days before the election for which they are prepared unless prepared for a village election or town meeting held at a different time from a general election, in which case the official ballot shall be so printed and in possession at least one day, and the sample ballots at least two days before such election or town meeting. During the time within which the same are open for inspection as aforesaid, it shall be the duty of the officer or board charged by law with the duty of preparing the same, to deliver a sample ballot of the kind to be voted in his district to each qualified elector who shall apply therefor, so that each elector who may desire the same may obtain a sample ballot, similar except as regards color and the number on the stub, to the official ballot to be voted at the polling place at which he is entitled to vote. But in the counties of Westchester and Dutchess when a city, town or village election is held on general election day the nominations of candidates for all city, town or village offices, shall also be filed with the county clerk, and the same requirements as to time and other matters relative to filing nominations with county clerk as set forth in this act shall apply to such nominations; the county clerk shall print the names of such candidates in the proper column, upon the general ballot furnished by him, but the town clerk shall furnish the ballots for all local questions submitted and for candidates for office requiring a separate ballot by reason of only a portion of the electors of an election district being qualified to vote for such candidate.

§ 2. This act shall take effect immediately.

Chap. 177.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," relating to ordinances and appropriations of money.

Became a law, March 18, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section nineteen of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," is hereby amended so as to read as follows:

Ordinance and appropriation of money.

§ 19. No ordinance shall be passed by the common council on the same day in which it is introduced, except by unanimous consent, and no appropriation of money shall be made for any purpose, except by an ordinance, passed by two-thirds of all the members, specifying by items the amount thereof and the department or specific purpose for which the appropriation is made; and no ordinance shall be passed making or authorizing a sale or lease of city real estate or of any franchise belonging to or under the control of the city, except by a vote of two-thirds of all the members of the common council; and in case of the proposed sale of real estate or the proposed sale or proposed lease of a franchise, the ordinance must provide for a disposition under proper regulations for the protection of the city, at public auction, after public notice for at least three weeks, to the highest bidder; and a proposed sale or proposed lease thus originated shall not be valid nor take effect, unless the aforesaid notice shall have been given and the aforesaid disposition, namely, a sale at public auction to the highest bidder shall have been had, and unless subsequently approved by a resolution of the board of estimate and apportionment. No such franchise shall be granted or be operative for a period longer than fifty years.

Sale or lease of real estate or franchise.

Term of franchise.

§ 3. This act shall take effect immediately.

Chap. 178.

AN ACT to authorize the common council of the city of Elmira to determine and award damages for destruction of personal property in smallpox quarantine.

Accepted by the city.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Elmira is hereby authorized and empowered in its discretion, to ascertain and determine the extent of the injury to the personal property of William Cannovan which was contained in his residence and grocery store, situated on the southwest corner of East Church and High streets in the city of Elmira, and which was destroyed in pursuance of an order of the board of health, in the carrying out of a smallpox quarantine, and to award damages to him to the extent that said property was injured.

§ 2. The amount of such award shall be borne by said city of Elmira and shall be included in the final estimates of said city for the year succeeding the award.

§ 3. This act shall take effect immediately.

Chap. 179.

AN ACT to amend the charter of the city of Elmira relative to the salary of the clerk of the city court.

Accepted by the city.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-nine of chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act to revise the charter of the city of Elmira", is hereby amended so as to read as follows:

Charter
amended.

§ 129. The clerk of the city court shall receive a salary of fifty dollars per month. In case of his absence by reason of sickness or other cause, for the time in which he is absent a pro rata deduction shall be made from his salary.

§ 2. This act shall take effect immediately.

Chap. 180.

AN ACT to amend chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act to revise the charter of the city of Elmira," as amended, relative to city sealer.

Accepted by the city.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section thirty-nine of chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act to revise the charter of the city of Elmira," is hereby amended to read as follows:

§ 39. The city sealer.—It shall be the duty of the city sealer to take charge and provide for the safe keeping of the city standards of weights and measures, and, when directed by the mayor, he shall, as such city sealer, inspect examine and see that the weights, measures, and all apparatus used for determining the quantity of commodities used throughout the city agree with the standards in his possession. He shall receive an annual salary of such amount as may be fixed by the common council, payable monthly.

§ 2. This act shall take effect immediately.

Chap. 181.

AN ACT to amend chapter one hundred and ninety-seven of the laws of eighteen hundred and eighteen, entitled "An act to incorporate the lyceum of natural history in the city of New York," a corporation now known as the New York academy of sciences and to extend the powers of said corporation.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporation incorporated by chapter one hundred and ninety-seven of the laws of eighteen hundred and eighteen, entitled "An act to incorporate the lyceum of natural history in the city of New York," and formerly known by that name, but now known as the New York academy of sciences, through change of name pursuant to order made by the supreme court at the city and county of New York, on January fifth, eighteen hundred and seventy-six, is hereby authorized and empowered to raise money for, and to erect and maintain, a building in the city of New York for its use, and in which also at its option other scientific societies may be admitted and have their headquarters upon such terms as said corporation may make with them, portions of which building may also be rented out by said corporation for any lawful uses for the purpose of obtaining income for the maintenance of such building and for the promotion of the objects of the corporation; to establish, own, equip, and administer a public library, and a museum having special reference to scientific subjects; to publish communications, transactions, scientific works, and periodicals; to give scientific instruction by lectures or otherwise; to encourage the advancement of scientific research and discovery, by gifts of money, prizes, or other assistance thereto. The building, or rooms, of said corporation in the city of New York used exclusively for library or scientific purposes shall be subject to the provisions and be entitled to the benefits of subdivision seven of section four of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, as amended.

Corporation authorized to raise money to erect a building.

Purposes of obtaining income for maintenance of building.

Objects.

Exemption from taxation.

§ 2. Section two of said chapter one hundred and ninety-seven

of the laws of eighteen hundred and eighteen, entitled "An act to incorporate the lyceum of natural history in the city of New York," is hereby amended so as to read as follows:

General
powers.

§ 2. The said corporation shall from time to time forever hereafter have power to make, constitute, ordain and establish such by-laws and regulations as it shall judge proper for the election of its officers; for prescribing their respective functions, and the mode of discharging the same; for the admission of new members; for the government of officers and members thereof; for collecting dues and contributions towards the funds thereof; for regulating the times and places of meeting of the said corporation; for suspending or expelling such members as shall neglect or refuse to comply with the by-laws or regulations, and for managing or directing the affairs or concerns of the said corporation; and may from time to time alter or modify its constitution, by-laws, rules and regulations.

§ 3. Section three of said act is hereby amended so as to read as follows:

Officers of
corporation.

§ 3. The officers of the said corporation shall consist of a president, and two or more vice-presidents, a corresponding secretary, a recording secretary, a treasurer, and such other officers as the corporation may judge necessary; who shall be chosen in the manner and for the terms prescribed by the constitution of the said corporation.

§ 4. Section five of said act is hereby amended so as to read as follows:

Present
constitution of
society to remain,
unless, etc.

§ 5. The present constitution of the said corporation shall after the passage of this act continue to be the constitution thereof until amended as herein provided. Such constitution as may be adopted by a vote of not less than three-quarters of such resident members and fellows of the said New York academy of sciences as shall be present at a meeting thereof called by the recording secretary for that purpose within forty days after the passage of this act, by written notice duly mailed postage prepaid, and addressed to each fellow and resident member at least ten days before such meeting, at his last known place of residence, with street and number when known, which meeting shall be held within three months after the passing of this act, shall be thereafter the constitution of the said New York academy

of sciences, subject to alteration or amendment in the manner provided by such constitution.

§ 5. 'A new section is hereby added to said act to be known as section six thereof, which shall read as follows:

§ 6. The said corporation shall have power to consolidate, to unite, to co-operate, or to ally itself, with any other society or association in the city of New York organized for the promotion of the knowledge or the study of any science, or of research therein, and for this purpose to receive, hold and administer real and personal property for the uses of such consolidation, union, co-operation or alliance, subject to such terms and regulations as may be agreed upon with such associations or societies.

Power to consolidate with any other society.

§ 6. This act shall take effect immediately.

Chap. 182.

AN ACT to amend the legislative law relative to the publication of concurrent resolutions proposing amendments to the constitution.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-eight of the legislative law is hereby amended so as to read as follows:

§ 48. Slips of the session laws and concurrent resolutions to be forwarded to newspapers.—The secretary of state shall send to each newspaper designated by the members of the board of supervisors, representing respectively each of the two principal political parties into which the people of the county are divided, or if there is but one newspaper published in the county, in such newspaper, in the order in which they are passed and as soon as the slips are printed, copies of all laws of a general nature, of such local laws as relate to the affairs of the county in which such newspaper is published, and of such concurrent resolutions as are required to be published. Concurrent resolutions proposing amendments to the constitution shall be published in such newspapers once in each week for thirteen con-

Act amended.

secutive weeks, under the direction of the secretary of state, at the expense of the state, in such a manner, by the use of italics and brackets, as to indicate the new matter added or the old matter eliminated.

§ 2. This act shall take effect immediately.

Chap. 183.

AN ACT to provide for the extraordinary repair and improvement of existing mechanical and other structures and works on and connected with the canals of this state and to provide funds for the final payment of canal contracts.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for repairs and improvements.

Section 1. The sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the extraordinary repairs and improvements of existing mechanical and other structures and works on, and connected with the canals of this state, the same to be expended by the superintendent of public works for the said purposes, on plans prepared by the state engineer and surveyor, where such may be needed, and approved by the said superintendent of public works.

Comptroller authorized to borrow money and issue emergency bonds.

§ 2. The state comptroller is hereby authorized to borrow, on the credit of the state, by the issue of emergency bonds therefor, the said sum of two hundred fifty thousand dollars provided for by section one of this act, so that the said sum may be made available for the purposes therein named. The said bonds to be paid for from the avails of state tax when collected for the fiscal year beginning October first, nineteen hundred and two.

Appropriation.

§ 3. The sum of ninety-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of claims settled and adjusted in accordance with chapter eighty-one of the laws of nineteen hundred.

§ 4. This act shall take effect immediately.

Chap. 184.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of purchasing school lots, and the erecting, completing and enlarging school buildings.

Accepted by the city.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the city of Buffalo to issue its bonds in the sum of six hundred thousand dollars for the purpose of raising money to purchase school lots and erect, complete and enlarge school buildings, such bonds to bear interest at a rate not exceeding three and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo or at the Gallatin national bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place, one-twentieth thereof to be payable at the end of each successive year thereafter until the whole sum shall have been paid. Such bonds shall be issued from time to time as may be ordered by the common council, by the mayor and comptroller, under the city seal, but the amount of such issue in any one fiscal year shall not exceed the sum of one hundred and fifty thousand dollars, and such bonds shall be sold or awarded as provided in section four hundred and ninety-two of the charter of said city, being chapter one hundred and five of the laws of the state of New York of the year eighteen hundred and ninety-one. The common council shall make provision for the payment of the interest on and the principal of said bonds, as the same shall become due, in the general fund estimates for said city.

Authority
to issue
bonds.

Interest,
when and
where
payable.

§ 2. This act shall take effect immediately.

Chap. 185.

AN ACT to amend the university law, as to the establishment and support of public and free libraries.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Act
amended.**

Section 1. Section thirty-six of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, entitled "An act to revise and consolidate the laws relating to the university of the state of New York," as amended by chapter eight hundred and fifty-nine of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 36. **Establishment.**—By majority vote at any election, any city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, or by action of a board of estimate and apportionment or other proper authority, any city, or by vote of its trustees, any village, may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice shall have been given of the proposed action. A municipality or district named in this section may raise money by tax to establish and maintain a public library, or libraries, or to provide a building or rooms for its or their use, or to share the cost as agreed with other municipal or district bodies, or to pay for library privileges under a contract therefor. It may also acquire real or personal property for library purposes by gift, grant, devise or condemnation, and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes. By majority vote at any election any municipality or district or by three-fourths vote of its council, any city may accept gifts, grants, devises or bequests for public library purposes on condition that a specified annual appropriation shall thereafter be made for maintenance of such library

or libraries. Such acceptance, when approved by the regents of the university under seal and recorded in its book of charters, and in a school not subject to their visitation when approved by the state superintendent of public instruction, shall be a binding contract, and such municipality and district shall levy and collect yearly the amount provided in the manner prescribed for other taxes.

§ 2. This act shall take effect immediately.

Chap. 186.

AN ACT to permit the city of Syracuse to use the balance of the fund raised to acquire the parcel of land in said city, known as "Round Top" for public park purposes, for the improvement of said park.

Accepted by the city.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Syracuse is hereby authorized and empowered to use and expend for the purpose of improving the tract of land in said city known as "Round Top," and recently acquired by said city for a public park, any balance of the amount of money raised by said city to acquire said property, which may remain after paying the cost of said property and the expenses incidental to the acquirement thereof.

§ 2. This act shall take effect immediately.

Chap. 187.

AN ACT to amend chapter ten hundred and eighteen of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the sanitary protection of the sources of water supply of the city of Rochester, by the acquisition by said city of real property and interests therein necessary for that purpose and by the abatement and removal of sources of pollution," and providing that the powers and duties of the commissioners shall be vested in and be performed by the commissioner of public works of the city of Rochester, and validating the acts of the commissioners.

Accepted by the city.

Became a law, March 19, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Chapter ten hundred and eighteen of the laws of eighteen hundred and ninety-five, entitled, "An act to provide for the sanitary protection of the sources of water supply of the city of Rochester by the acquisition by said city of real property and interests therein necessary for that purpose and by the abatement and removal of sources of pollution," is hereby amended by adding at the end thereof the following sections to be numbered six and seven respectively and to read as follows:

Powers and duties of commissioners cease.

§ 6. On the thirtieth day of June, nineteen hundred and two, the powers and duties of the commissioners under this act shall cease and shall vest in and be discharged by the commissioner of public works of the city of Rochester. On such date said commissioners shall file with the commissioner of public works a complete record of their proceedings together with all their books, contracts and papers and shall turn over to the treasurer of said city all moneys belonging to said city which moneys the treasurer shall deposit to the credit of the Hemlock lake sanitary protection fund.

Conveyance etc., validated.

§ 7. All conveyances, contracts and options made to or with the commissioners or any of them are hereby validated and any commissioner is hereby authorized and directed to convey

and assign to the city of Rochester any real property, rights, easements, contracts or options acquired by him and said city is authorized to hold and enforce the same.

§ 2. This act shall take effect immediately.

Chap. 188.

AN ACT to release the right, title and interest of the people of the state of New York, in and to certain real property of which John Fleetwood Marsh, late of the town of Eastchester, in the state of New York, died seized, to the Eastchester development company.

Became a law, March 20, 1902, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title and interest of the people of the state of New York acquired by escheat, in, to and upon all that lot of salt meadow lying and being in the borough of the Bronx of the city of New York, in the county and state of New York (formerly in the town of Eastchester in the county of Westchester), near the landing of said town and which is bounded as follows, to wit: Beginning at the corner of a meadow formerly belonging to James Morgan and a road leading to the place called the "Pines"; thence by said road to the meadow formerly of Moses Hunt; thence by said Hunt's meadow to the meadow of Thomas Lawrence; thence by said Lawrence's meadow to the meadow of the said James Morgan; thence by said Morgan's meadow to the place of beginning; containing within said bounds five acres more or less, being the same premises which were conveyed to John Fleetwood Marsh by Theodosius Fowler and Maria, his wife, by deed dated June first, eighteen hundred and eight, and recorded in the office of the register of Westchester county on March thirteenth, eighteen hundred and twenty-nine, in liber thirty-five of deeds, page one hundred and forty-two; and of which said John Fleetwood Marsh died seized on September twenty-third, eighteen hundred and

State's
right, title
and interest
to certain
real
property,
released.

twenty-eight, and of which Barnard Bayley died seized on October first, eighteen hundred and thirty-two, claiming as sole resident, citizen heir at law of said John Fleetwood Marsh, and which premises by mesne conveyances founded upon a claim of title through said Barnard Bayley, the Eastchester development company is now seized and possessed of, is hereby granted and released to the Eastchester development company, its successors and assigns forever.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in said real estate of any heir at law, devisee, purchaser or creditor by mortgage, judgment or otherwise, or any action or proceeding at law which may now be pending concerning the same.

§ 3. This act shall take effect immediately.

Chap. 189.

AN ACT authorizing the selection of certain lands in the town of Ausable, Clinton county, and the town of Chesterfield, Essex county, known as Ausable Chasm, as a part of the Adirondack park.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Selection of lands.—It being the intention of the legislature to acquire additional lands for the Adirondack park, the Ausable Chasm reservation when established as provided in this act, shall become a part of such Adirondack park. The forest, fish and game commission shall, as soon as practicable, select such lands in the town of Ausable, Clinton county, and the town of Chesterfield, Essex county, including the Ausable Chasm, as, in its opinion, should be reserved as an addition to the Adirondack, for the purpose of preserving the scenery of the Ausable Chasm, and making the same a place of public resort and pleasure. The commission shall cause to be made by the state engineer and surveyor, a map of the lands so selected, which

shall be certified by a majority of the members of such commission, and filed in the office of the secretary of state, and duplicates thereof in the office of the county clerks of the counties of Essex and Clinton.

§ 2. **Contracts for sale of lands.**—After the filing of said map, such commission shall ascertain upon what terms the lands described therein can be purchased of the owner or owners thereof, and whether a good, clear and unincumbered title can be conveyed to the state of New York. Such commission may enter into contracts with such owners which shall bind them to convey to the state the lands described therein at any time within two years from the date thereof, if the said commission shall demand such conveyance within that time, after being authorized so to do by any act of the legislature.

§ 3. **Report to legislature.**—The commission shall report to the legislature of nineteen hundred and three, the terms upon which such lands can be purchased, and whether a good, clear and unincumbered title thereto can be conveyed to the state, and shall attach to such report a correct copy of each of such contracts. If satisfactory terms cannot be made with the owners of any of the lands described in such map, and a contract for the purchase thereof has not been made, such report shall contain an estimate of the amount for which such lands can probably be purchased, based upon such facts as may be ascertained by the commission.

§ 4. **Lands when acquired to be a public park.**—When such lands shall have been acquired by said commission for the state, they shall be known as the Ausable Chasm reservation; and shall be forever reserved by the state as an addition to the Adirondack park, for the purpose of preserving the scenery of such chasm, and shall be kept as a place of public resort and pleasure, open and free of access to all mankind, without fee, charge or expense to any person for entering upon or passing to, over or through any part of the same, subject to such reasonable rules and regulations as may from time to time be made by said commission, or its successor or successors.

§ 5. This act shall take effect immediately.

Chap. 190.

AN ACT to repeal section seventy-two of the forest, fish and game law, relating to fishing in Lake Champlain.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
repealed

Section 1. Section seventy-two of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 191.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and acts amendatory thereof, in relation to assessors and assessments.

Accepted by the city.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended

Section 1. Section one hundred and twenty-nine of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended to read as follows:

Board of
assessors.

§ 129. There shall be a department of assessment, of which a board, to consist of three assessors, shall be the head.

§ 2. Section one hundred and thirty of said act is hereby amended to read as follows:

Terms of
office of
assessors.

§ 130. The five assessors in office at the time this act shall take effect shall hold their office during the term for which they were elected respectively. The assessor whose term of office shall first expire shall be chairman of the board. No

persons shall be elected to succeed the two assessors whose terms of office first expire. The terms of office of assessors hereafter to be elected shall be so arranged that the term of office of one assessor shall expire at the end of each odd numbered year. At the election to be held in the year nineteen hundred and five, two assessors shall be elected and they shall draw lots to determine who shall hold office for the full term of six years and who shall hold office for four years.

§ 3. Section one hundred and thirty-four of said act is hereby amended to read as follows:

§ 134. The board of assessors shall be the board of valuation and assessment for the city and shall have such powers and perform such duties, in addition to those herein prescribed, as may be prescribed by general laws applicable thereto and not inconsistent with the provisions of this act. Powers and duties of board.

§ 4. Section one hundred and forty of said act as amended by chapter three hundred and seventy-six of the laws of nineteen hundred and one is hereby further amended to read as follows:

§ 140. The rolls shall be carefully reviewed and corrected by the board. It shall make two copies of all rolls as revised and corrected, except that it shall not be necessary to include in said copies the separate valuations of said lands and improvements, and shall attach thereto a certificate to the effect that they are correct copies of the rolls on file in the office of said board; and on or before the first day of May, if practicable, and not later than the first day of June, it shall file one copy of each roll in the comptroller's office, and shall deliver one copy of each roll to the clerk of the board of supervisors on or before the first day of October, which shall be the assessment rolls of the several wards for city, county and state purposes. Review and correction of rolls. Copies to be filed.

§ 5. This act shall take effect immediately.

Chap. 192.

AN ACT to amend the Greater New York charter, relative to the power of the department of taxes and assessments to remit or reduce a tax.

Accepted by the city.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section eight hundred and ninety-seven of the Greater New York charter as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended to read as follows:

Power of the board to remit or reduce a tax.

§ 897. The board of taxes and assessments is hereby invested with power to remit or reduce where in the opinion of the corporation counsel lawful cause therefor is shown. It may remit or reduce if found excessive or erroneous a tax imposed upon real or personal property. It shall require a majority of the commissioners of taxes and assessments to remit or reduce the assessed valuation of personal property, and no tax on personal property shall be remitted, cancelled or reduced unless the person aggrieved shall satisfy the board of taxes and assessments that illness or absence from the city had prevented the filing of the complaint or making the application to the said board within the time allowed by law for the correction of taxes. Any remission or reduction of taxes upon the real estate of individuals or corporations must be made within one year after the delivery of the books to the receiver of taxes for the collection of such tax.

§ 2. This act shall take effect immediately.

Chap. 193.

AN ACT amending the code of civil procedure by inserting therein a new section to be known as section three hundred and ninety-a, relating to the limitation of time to enforce a cause of action arising in another state.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by inserting therein a new section to be known as section three hundred and ninety-a, and to read as follows: Code of civil procedure amended.

§ 390-a. Where a cause of action arises outside of this state, an action cannot be brought, in a court of this state, to enforce said cause of action, after the expiration of the time limited by the laws of the state or country where the cause of action arose, for bringing an action upon said cause of action, except where the cause of action originally accrued in favor of a resident of this state. Nothing in this act contained shall affect any pending action or proceeding.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 194.

AN ACT to amend the forest, fish and game law, by adding a section to be known as section one hundred and forty-one.

Became a law, March 21, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The forest, fish and game law is hereby amended by adding thereto a new section to be known as section one hundred and forty-one, which shall read as follows: Act amended.

§ 141. Wherever in this act the possession of fish or game, or the flesh or any animal, bird or fish, is prohibited, reference is had equally to such fish, game or flesh coming from without

Bond.

the state as to that taken within the state. Provided nevertheless that if there be any open season therefor, any dealer therein, if he has given the bond herein provided for, may hold during the close season such part of his stock as he has on hand undisposed of at the opening of such close season. Said bond shall be to the people of the state, conditioned that such dealer will not during the close season, ensuing, sell, use, give away or otherwise dispose of any fish, game, or the flesh of any animal, bird or fish which he is permitted to possess during the close season by this section; that he will not in any way during the time said bond is in force, violate any provision of the forest, fish and game law; the bond may also contain such other provisions as to the inspection of the fish and game possessed as the commission shall require, and shall be subject to the approval of the commission as to amount and form thereof, and the sufficiency of sureties. But no presumption that the possession of fish or game or the flesh of any animal, bird or fish is lawfully possessed under the provisions of this section shall arise until it affirmatively appears that the provisions thereof have been complied with.

§ 2. This act shall take effect immediately.

Chap. 195.

AN ACT to provide for the enrollment of members of political parties in towns.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Application
of act.

Section 1. This act shall not apply to any of the counties embraced within Greater New York, nor to cities of the second or third class, nor to any village which shall be or become subject to the provisions of chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, entitled "An act to amend chapter one hundred and seventy-nine of the general laws of eighteen hundred and ninety-eight, entitled 'An act in relation to the enrollment for political parties, primary

elections, conventions and political committees,' relative to the enrollment for and holding of primary elections." In any county of the state, other than those embraced within Greater New York, it shall become applicable, and govern and control the enrollment of the members of any political party in the several towns of the county, except as above specified, from the first day of September, succeeding the adoption by a majority vote of the general committee of the party, which shall include the affirmative vote of a majority of all the members thereof elected from the towns of said county, and filing in the office of the clerk of the county, of a resolution in writing, declaring that the members of such party shall thereafter be enrolled as herein provided; but shall not affect any primary election held Proviso. prior to the first day of January next thereafter, and in any such county the general committee of any party to which this act may be so applicable, may similarly adopt and file a resolution rescinding such declaration, and thereafter the application of this act in any such county shall cease. This act shall not apply to the counties of Allegany, Broome, Cattaraugus, Chautauqua, Counties exempt. Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Livingston, Madison, Montgomery, Nassau, Oneida, Onondaga, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Rockland, Saint Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester and Yates.

§ 2. In any county to which this act shall so become applicable, the clerk of the county shall cause to be prepared, on or before the fifteenth day of September in each year, enrollment Enrollment books. books to the number of two for each election district in the several towns of the county, which shall be so arranged that the names of all electors of the election district may be inscribed therein alphabetically. There shall be fourteen columns on Arrangement. each page. The first for the surnames of the electors; the second for the christian names of the electors; the third for the word "yes", if the elector be enrolled by the election inspectors upon their own knowledge; the fourth for the name of any elector making oath to the party affiliation of any other elector; the fifth for the name of the party with which an elector is enrolled; the sixth for an entry to show enrollment by certifi-

cate; the seventh for the record of any alteration of enrollment, transfer, or striking from the enrollment the name of any elector; the eighth for the word "voted", in case the elector votes at the first official primary election of the year; the ninth for a record as to challenges, in case of challenge thereat; the tenth and eleventh for similar entries, in case he votes at the second official primary election of the year; the twelfth and thirteenth for similar entries, in case there be a third official primary election, or an unofficial primary election; and the fourteenth for any remarks not provided for in any of such other columns. Said books with proper instructions shall be delivered by the said clerk to the election inspectors of the respective election districts in said towns immediately before the first day of registration in each year.

Delivery to
election
inspector.

Enrollment
of electors.

§ 3. It shall be the duty of the election inspectors of the respective election districts in said towns, on the days on which they shall prepare the register of electors in said election districts respectively, and at the same time, to enter in the said enrollment books the name of every elector registered by them, for the purpose of voting at such election, whose political affiliation shall be personally known to them, and after the name of each such elector to enter in the third column the word "yes" to indicate such enrollment by them, and in the fifth column the name of the party with which he is so enrolled, and if it shall be shown to them by any duly registered elector of such district, under oath, that any other elector so registered by them, whose party affiliation is not personally known to them, is actually affiliated with any party, it shall be their duty to enter the name of such other elector in said enrollment books and after the name of such elector, in the fourth column, the name of the elector so making oath, and in the fifth column the name of the party with which such elector shall testify that such other elector is affiliated: At the close of the last day of registration the said inspectors of election shall make and sign a certificate that said enrollment lists so prepared by them contain a correct and true statement of the names of all duly registered electors of said election district who are personally known to them to be affiliated with any political party, or who may have been shown to them, by the oath of any duly registered elector, to be so affiliated with any party, and within twenty-

Verification
of enroll-
ment lists.

four hours thereafter the chairman of said board of election inspectors shall file one of said enrollment lists with the town clerk of the town containing such election district, and the other of said enrollment lists with the said county clerk. The town clerks of the several towns shall at all times keep on file the blank forms described in sections four, five and six hereof in sufficient quantities for the use of the electors of the town.

§ 4. At any time prior to July first thereafter, except during the thirty days preceding a primary election day, any elector who was so duly registered as an elector in any of said towns, but who was not enrolled with any party, may become specially enrolled in, and have his name added to, the enrollment list so filed with the county clerk of any party in the election district in which he then resided and still resides, by making and acknowledging before any officer authorized by law to take the acknowledgment of deeds to be recorded in this state, and filing or causing to be filed with the said county clerk, a statement embodying a declaration in the following form: "I, (.....) do solemnly declare that I reside in (.....) and am a duly qualified elector of the (.....) election district of said town. That at one of the last preceding days of registration I was duly registered as an elector in said election district, but was not enrolled, and I request that I be specially enrolled with the (.....) party. That I am in general sympathy with the principles of the (.....) party. That it is my intention to support generally, at the next general election, the nominees of such party, and that I have not been enrolled with, nor participated in, any primary election or convention of any other party since the first day of last year." And any elector in any of said towns who has been so enrolled with any party, but who has been enrolled with a party other than that with which he is actually affiliated, may have his party affiliation changed upon the enrollment list so made, by striking out the name of the party with which he is so wrongfully described to be affiliated and inserting the name of the party with which he may declare he is affiliated, by similarly making, acknowledging and filing or causing to be filed a similar statement in all respects, except that he shall declare that he was so wrongfully enrolled and request that his party affiliation be so changed. And any elector in any of said towns who has been so enrolled with any party

Enrollment
lists, where
filed.

Special
enrollment.

Statement
and declar-
ation by
elector.

but who desires to be not enrolled as affiliating with any party, may have his name stricken from the enrollment list as so made, by similarly making, acknowledging and filing or causing to be filed a statement, embodying a declaration in the following form: "I, (.....) do solemnly declare that I reside in (.....) and am a qualified elector of the (.....) election district of said town. That at one of the last preceding days of registration I was duly registered as an elector in said election district and was enrolled with the (.....) party, and I request that my name be stricken from said enrollment list and be not borne thereon as affiliated with any party." Upon the filing of any such statement, the said county clerk shall cause the request contained in such statement to be complied with, by adding the name of the elector, by changing the party affiliation, or by striking out the name of any enrolled elector, as the case may be, in the enrollment list filed with him for the proper election district and recording in the proper column thereof the reason therefor.

Filing of
statement.

Statement
and decla-
ration of
elector be-
coming of
age.

§ 5. Any elector in any of said towns who shall have become of age after the last preceding general election, may at any time other than during the thirty days next preceding a primary election day, become specially enrolled in, and have his name added to, the enrollment list so filed with the county clerk, of any party in the election district in which he resides by similarly making, acknowledging and filing or causing to be filed with the county clerk a statement embodying the declaration first set forth in the last section, except that instead of the words indicating that the elector was registered on one of the last preceding days of registration but was not enrolled, words indicating that he has become of age since the last preceding general election shall be used. Upon the filing of such statement, the said county clerk shall enroll such elector in the enrollment list filed with him for the proper election district and shall record in the proper columns thereof the name of such elector, the party with which he is enrolled, the fact and date of such special enrollment, and the fact that he has become of age since the last preceding general election.

Change of
residence.

§ 6. If after being enrolled as a member of a party in one election district, either by original enrollment or by transfer, an elector shall move into another election district in said county, he may at any time between the first day of January of any year

and the thirtieth day before any primary election day, become enrolled therein as a member of the same party, by making, acknowledging and filing, or causing to be filed, with the county clerk, a statement specifying the name of the party with which, and the election district in which, he is enrolled, and the election district into which he has removed, and stating that he resides in the last mentioned election district and desires to be enrolled therein as a member of such party. Upon the filing of such statement, the said county clerk shall enroll the name of such elector in the enrollment list filed with him for the proper election district, specifying the district from which he is transferred, and shall also make a minute, opposite the entry of his name, in the enrollment list filed with him of the election district from which he has removed, showing the election district to which his name is transferred.

New enrollments thereafter.

Statement to be filed.

Transfer of elector.

§ 7. The said county clerk shall annually thirty days prior to each primary election day, from the said enrollment lists so filed with him, compile enrollment lists for each party to which this act shall then be applicable, of all the enrolled electors of such party in each of the towns of said county, and annex thereto a certificate, under his hand and seal, that the same is a correct and true transcript from the enrollment lists of such party so filed with him, and the changes and alterations therein, of the several election districts comprising such town, and deliver one set of each such lists to the chairman of the general committee of each such party. Such enrollment lists shall conform in all respects to the form of the enrollment lists so filed with him, and all entries in such original enrollment lists shall be shown thereon, except that the names upon such lists shall be arranged in alphabetical order, and each such list shall contain all the names of the duly enrolled electors of such party in the town to which it appertains.

County clerk shall compile enrollments.

Certified transcripts.

§ 8. The enrollment lists prepared by the election inspectors and so filed with said county clerk shall go into effect on the first day of January following the days of registration on which they were begun, and shall, with any additions or alterations made as herein provided remain in force until the first day of the following January, when they shall be superseded by the new enrollment lists, begun as herein provided.

When enrollment lists go into effect.

§ 9. Only electors who were duly registered or who shall have

become of age after the last preceding general election, shall be entitled to be enrolled. Only electors duly enrolled as herein provided shall be entitled to participate in the primary elections of the party to which this act shall then be applicable, and no elector so enrolled shall take part in any primary election of any party other than the party with which he shall at the time be so enrolled.

Enrollment
lists and
statements
public
records.

§ 10. The enrollment lists herein provided, and any statements filed relating thereto, shall be public records and open for inspection and copying at any time by any person. It shall be the duty of the said county clerk to certify to the correctness of any transcript of any such enrollment lists, or of any part thereof, on the payment of one cent for every twenty names contained therein, and the fees received by him therefor shall be paid to the county treasurer except in counties where the county clerk is not a salaried officer. And the said county clerk shall give to any elector enrolled or transferred as herein provided, a certificate of enrollment or transfer, upon request, which shall specify the name of the party with which he is enrolled, the date of enrollment or transfer, and the election district from which such elector is enrolled or to which he has been transferred.

Certificates.

Primary
elections,
how con-
ducted.

§ 11. Primary elections in the said towns, notice thereof, and the manner and method of conducting the same, shall continue to be held and governed in the manner provided by law and the rules and regulations of the general committees of the respective parties in said county, except as herein provided, and except that any enrolled elector may be challenged at any time before his ballot is cast, and upon such challenge the chairman presiding at such primary shall forthwith put to him, on oath or affirmation, the following questions:

Questions
put to
electors.

Are you (using the name by which he is enrolled)?

Do you reside, and have you for thirty days past, resided in the town of(naming the town containing the election district in which he is enrolled)?

Are you affiliated with, and do you intend generally to support the candidates of the..... party (naming the party holding the primary at which such elector offers to vote)? And unless all of such questions be answered in the affirmative, the

vote of such elector shall, notwithstanding his enrollment, be rejected.

The said general committees may make and provide such further rules and regulations as may be necessary to give effect to this act. General committee

§ 12. Any action or neglect of any inspector of election, or of the said county clerk, with regard to the proper enrollment of any person as herein provided, shall be reviewable by the proper remedy of mandamus or certiorari, as the case may be, and in addition thereto the supreme court, or any justice thereof, within the judicial district containing the county or the county judge or special county judge of said county, shall have summary jurisdiction, upon complaint of any citizen, to review such action or neglect, and such court, justice, judge, or special county judge, may consider, but need not be controlled by, any action or determination of the regularly constituted party authorities upon the questions arising in reference thereto, and shall make such decision or order as, under all the facts and circumstances of the case, justice may require. Acts of inspector or county clerk reviewable.

§ 13. The expenses of making such enrollment lists shall be charged respectively upon the towns for which the same are made. Expenses of enrollment.

§ 14. Any person violating any of the provisions of this act shall be guilty of a misdemeanor. Penalty.

§ 15. In any county to which this act may apply as provided in section one hereof, it may be made applicable to all primary elections of a party to be held in the towns therein subsequent to July first, nineteen hundred and two, by the adoption by the general committee of the party and the filing thereof as provided in section one, within twenty days after this act takes effect, of a resolution declaring that the members of such party shall be enrolled for the primary elections to be held in such county during the year nineteen hundred and two, and thereafter, as provided in this act. And for the purpose of holding such primary elections during the present year there shall be a special enrollment day upon the second Tuesday in May, nineteen hundred and two, upon which day the election inspectors shall meet in the respective places where the last general election was held, or if the same be impracticable, in such places as shall be provided in the same manner as places for holding gen- Special enrollment day.

eral elections are now provided, and proceed to make an enrollment of the electors in their several election districts in the manner herein provided, for which purpose the county clerk shall furnish them with the necessary enrollment books and instructions, and the same procedure shall be had with reference to additions or alterations therein as is herein provided for the enrollment books begun upon the regular days of registration. And the enrollment lists so filed and prepared by said county clerk, with the additions and alterations therein, shall become and be the enrollment lists for such official primary elections of such party for the present year; and thereafter shall be superseded by the regular enrollment lists of such party begun and completed as hereinbefore provided.

§ 16. This act shall take effect immediately.

Chap. 196.

AN ACT to change the name, define the corporate objects and purposes, regulate the powers and government of the corporation Chautauqua assembly, and to consolidate with said Chautauqua assembly the Chautauqua university and the Chautauqua school of theology.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate
name
changed.

Section 1. Change of name.—The name of the corporation Chautauqua assembly is changed to Chautauqua institution. Said corporation is hereinafter designated as Chautauqua.

§ 2. Purpose and object.—The purpose and object of said corporation shall be to promote the intellectual, social, physical, moral and religious welfare of the people. To this end it may hold meetings and provide for recreation, instruction, health and comfort on its grounds at Chautauqua; conduct schools and classes; maintain libraries, museums, reading and study clubs and other agencies for home education; publish books and serials and do such other things as are needful or proper to further its general purpose.

§ 3. Consolidation.—All debts and liabilities and all papers,

records and other property (including the right to receive any gift, devise or bequest now or hereafter made) of Chautauqua university, a corporation chartered by chapter one hundred and forty-eight of the laws of eighteen hundred and eighty-three, and of the Chautauqua school of theology, a corporation chartered by chapter sixty-three of the laws of eighteen hundred and eighty-one, both which corporations are by chapters three hundred and eighty-seven and three hundred and eighty-eight, laws of eighteen hundred and eighty-five, now under the sole control of the same trustees as said corporation Chautauqua assembly, are hereby transferred to the corporation Chautauqua, and the existence of the said Chautauqua university and the Chautauqua school of theology as separate institutions is hereby terminated and their work is made an integral part of the work of Chautauqua.

§ 4. **Members.**—The members of the Chautauqua shall be,

First. The persons named in the original and supplemental certificate of incorporation who are now living.

Second. All persons owning a lease on one or more lots or a section of a lot on the lands of the corporation. A lease which is owned by two or more persons in common shall be entitled to but one member which member shall be designated and elected by all the persons owning said lease from among their number.

Third. All persons who shall be elected by the trustees such members.

§ 5. **Trustees.**—The government and control of said corporation shall be vested, as heretofore, in twenty-four trustees. The provisions of the general corporation law and the membership corporation law not inconsistent with this act relating to directors and boards of directors shall apply to said trustees. The persons now acting as trustees shall be trustees for the terms for which they were respectively chosen except as such terms may be limited under section seven of this act, and until their successors are elected. Those whose terms have expired shall be trustees until their successors are elected. The trustees shall be divided into class A consisting of twenty trustees who shall be elected by the trustees, and class B consisting of four trustees who shall be elected by members of the corporation. The term of office shall be four years and shall begin

October first next following the election. Five of class A and one of class B shall be elected each year after nineteen hundred and two. No person shall be eligible as a trustee in class B unless the owner of a lease of a lot on the grounds of the corporation.

§ 6. Election of trustees of class A.—The trustees shall in August, nineteen hundred and two, elect eight trustees of class A. The terms of office of all trustees which have expired before or shall expire in January, nineteen hundred and three, under the existing by-laws shall terminate on October first, nineteen hundred and two. The trustees shall annually, thereafter, at such time and place as they may from time to time appoint, elect by ballot five trustees of class A.

§ 7. Election of trustees of class B.—The annual meeting of the members of the corporation specified in subdivision two of section four of this act for the election of trustees of class B, shall be held on the second Tuesday of August in each year on the corporation grounds at Chautauqua, New York, at three o'clock post meridian. At such meeting in the year nineteen hundred and two, four trustees shall be elected by ballot by those members of the corporation who are owners of a lease of lots as provided in subdivision two of section four of this act, one to serve for one year, one for two years, one for three years, and one for four years. At each annual meeting thereafter one trustee shall be elected by ballot in the place of the trustee whose term of office shall expire that year. In case of a vacancy in class B such vacancy may be filled until the next annual meeting by the majority of the trustees of said class designating the person to fill such vacancy by a writing signed by them and filed in the office of the corporation at Chautauqua. At said annual meeting a trustee shall be elected for the remainder of the unexpired term. At such annual meetings of owners of leases the members present shall constitute a quorum and a plurality of votes cast shall elect.

§ 8. Classification of terms of trustees.—At the first meeting of the trustees after October first, nineteen hundred and two, they shall so arrange and limit the terms of office of the twenty trustees of class A that the terms of five shall expire each year thereafter. A list showing the name of each trustee of said class and the expiration of his term shall be entered in the

minutes and a copy thereof certified by the secretary shall be filed in the office of the corporation.

§ 9. **By-laws.**—The existing by-laws of said corporation are continued in force so far as consistent with this act. The trustees may by vote of two-thirds of their entire number alter or repeal the by-laws or enact new ones, except that they shall have no power to increase the percentages specified in section twelve of article five of the existing by-laws beyond the sum of ten per centum now specified therein. In acting on by-laws, written votes of trustees not present at the meeting shall be counted if filed with the secretary before the vote is announced. The sole power to enact, alter or repeal by-laws shall be in the trustees, but no by-laws or rule by which more than a majority vote shall be required for any specified action by the trustees or executive board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder. The by-laws may provide that the committee known as the executive board of the trustees may enact any rule consistent with law and the by-laws for the management of the business or property of the corporation and such rule shall have the same force and effect as a rule adopted by the trustees and shall continue in force until altered or repealed by the executive board or trustees.

§ 10. **Sales and leases.**—The trustees may sell and lease lands without leave of any court. They may authorize the executive board to lease lands on such terms as it deems proper and to transact any other business in the name of the corporation.

§ 11. **Confirmation of leases.**—All leases, if any, heretofore executed by said corporation without leave of the court for which such leave should have been obtained are hereby confirmed and shall have the same force and effect as though such leave had been granted.

§ 12. **Inconsistent laws.**—No provision of the general corporation law or of the membership corporation law inconsistent with this act shall apply to said corporation.

§ 13. **Principal office.**—The principal office of said corporation shall be on the assembly grounds known as Chautauqua in the town of Chautauqua, Chautauqua county, New York, but lawful meetings of the trustees may be held without this state.

§ 14. **Repealing clause.**—The following laws are repealed:

Chapter sixty-three of the laws of eighteen hundred and eighty-one; chapter one hundred and forty-eight of the laws of eighteen hundred and eighty-three; chapter three hundred and eighty-seven of the laws of eighteen hundred and eighty-five and chapter three hundred and eighty-eight of the laws of eighteen hundred and eighty-five.

§ 15. **Saving clause.**—This act shall not affect any action or proceeding now pending in any court. The change of name herein made shall not affect or impair any rights, powers or duties of the corporation or the officers thereof, and all such rights, powers and duties, except as expressly changed by this act shall continue in and devolve upon the corporation and its officers under the new name.

§ 16. **This act shall take effect immediately.**

Chap. 197.

AN ACT to amend section two of chapter two hundred and forty-five, laws of eighteen hundred and fifty-one, being an act entitled "An act to incorporate the Broadway savings institution, in the city of New York."

Became a law, March 21, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two, of chapter two hundred and forty-five, laws of eighteen hundred and fifty-one, being an act entitled "An act to incorporate the Broadway savings institution in the city of New York," is hereby amended so as to read as follows namely: The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance to the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and said corporation shall not purchase, hold or convey real estate in any

other case, or for any other purpose. And all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatever, except in the cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business; such institution to be located in the city of New York.

§ 2. This act shall take effect immediately.

Chap. 198.

AN ACT to amend the railroad law, relative to loans by municipalities for constructing grade crossings.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-seven-a added to article two of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," known as the railroad law, by chapter five hundred and forty-one of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 67-a. Whenever in carrying out any of the provisions of sections sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, or sixty-seven of this act, any municipality shall incur any expense or become liable for the payment of any moneys, it shall be lawful for such municipality to temporarily borrow such moneys on the notes or certificates of such municipality, and to include the amount of outstanding notes or certificates, or any part thereof, in its next annual tax levy for municipal purposes, or in the discretion of the common council in case of a city, the board of trustees

Railroad law amended.

Municipalities may borrow money.

Issue of notes or certificates

Issue of
bonds.

Interest.

in case of a village or the town board in case of a town, to borrow the same, or any part thereof, on the credit of the municipality, and to issue bonds therefor, which bonds shall be signed by the mayor and clerk in case of a city, the president and clerk in case of a village and the town board in case of a town, and shall be in such form and for such sums and be payable at such times and places with interest not exceeding four per centum per annum, as the common council in case of a city, the board of trustees in case of a village, and the town board in case of a town, shall direct.

§ 2. This act shall take effect immediately.

Chap. 199.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica," and the several acts amendatory thereto.

Accepted by the city.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Police act
amended.

Section 1. Section eighteen of chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four entitled "An act to establish a board of police and fire commissioners of the city of Utica" as amended by section eleven, chapter three hundred and thirty, of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Annual esti-
mate of ex-
penses of
police and
fire depart-
ment.

Tax for
same.

§ 18. The board shall, before the first day of July, in each year, make out an estimated statement of the amount necessary to defray the cost of the police and fire department for the current year, and present the same to the common council, who shall include the amount thereof in the city tax assessment roll, and the same shall be levied and collected in the same manner as the various amounts authorized to be raised by section forty-seven, of the charter of said city of Utica, and the various

amendments thereto; but the sum to be raised by virtue of this section shall not in any one year exceed the sum of one hundred and seven thousand dollars. Provided, however, that when the board of police and fire commissioners of the city of Utica shall be of the opinion that it is necessary that the sum to be raised yearly by virtue of this section shall exceed the sum of one hundred and seven thousand dollars it shall be its duty to state such necessity, with the amount and reasons therefor, in a special report to be made to the common council of said city.

Special report to common council as to extra amount

At the succeeding election provision shall be made so that each elector may, by separate ballot, vote "for increase of amount necessary to defray the cost of the police and fire departments" or "against increase of amount necessary to defray the cost of the police and fire departments" and in canvassing the ballots the inspectors of election shall make a return of the number of ballots containing such expression, to the common council of the city, in the same manner that they make return of votes given for city officers, and if the number of ballots containing the words "for increase of amount necessary to defray the cost of the police and fire departments" exceed those containing the words "against increase of the amount necessary to defray the cost of the police and fire departments," it shall be the duty of the common council, in addition to the moneys which they are otherwise authorized by law to raise by tax in the said city, to raise, in the same manner that moneys are now raised for the ordinary expenses thereof, such additional sum of money annually thereafter as the board of police and fire commissioners, in their said report, shall have submitted to be necessary to defray the annual cost of the police and fire departments of said city.

Elector may vote upon proposition

Tax upon favorable vote.

§ 2. This act shall take effect immediately.

Chap. 200.

AN ACT to amend the tax law, relating to the taxation of real property situated in two or more tax districts.

Became a law, March 21, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax law
amended.

Section 1. Section ten of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter five hundred and thirty-seven of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 10. Taxation of real property divided by line of tax district.—If a farm or lot is divided by a line between two or more tax districts and the owner resides thereon, it shall be assessed to him in the district in which he resides. If the owner does not reside on such farm or lot and is not a resident of the district in which the occupant thereof resides, it shall be assessed to such occupant in the district in which he resides. If the land is unoccupied the portion of such farm, lot or tract of land lying in each district shall be separately assessed therein. If such land is situated in two or more counties and is wild and uncultivated and not occupied and used for agricultural purposes, the portions of such land lying in each county shall be separately assessed therein. If the boundary line of a tax district passes through a building, any portion of which is used as a dwelling, the owner of such building, if occupying the same or residing in either tax district, and otherwise, the person occupying such building as a dwelling house, may elect in which district such building and the adjacent land, owned, occupied and connected therewith, shall be assessed, by serving a written notice of such election on the assessors of each tax district during the month of May; but if such election is not made, the property shall be assessed in the tax districts in which it is located.

§ 2. This act shall take effect immediately.

Chap. 201.

AN ACT to amend chapter five hundred eighteen of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of White Plains,' passed April third, eighteen hundred and sixty-six," in relation to the powers and duties of the village trustees, et cetera.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title two of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of White Plains,' passed April third, eighteen hundred and sixty-six" as amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, and chapter one hundred and nine of the laws of eighteen hundred and ninety-five, and chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

Village
charter
amended

§ 1. The elective officers of said village shall be five water commissioners to be elected by the legal voters of the village, who shall hold no other elective office while acting as such commissioners, and two trustees in each ward, to be elected by the legal voters in such ward. The appointive officers shall be a president, a clerk, a treasurer (who shall not be a director, or officer in any bank in said village) a police justice, a village engineer and surveyor, a collector of taxes and assessments, a superintendent of fire alarm system, a superintendent of highways, three police commissioners and a chief of police and one or more police constables who shall be appointed by the board of trustees, and such other officers as the board is hereinafter authorized to appoint. The present officers of the village shall hold their offices until their successors shall be duly elected or appointed and duly qualified.

Village
officers

§ 2. Section five of title two of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as

amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, and chapter three hundred and fifteen of the laws of eighteen hundred and ninety, and chapter one hundred and nine of the laws of eighteen hundred and ninety-five, and chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

**Election of
trustees.**

§ 5. At the election to be held on the third Tuesday of December, eighteen hundred and ninety-six, there shall be elected seven trustees, as follows: One trustee in the second ward for the term of two years, to succeed the present trustee of the first ward, appointed to fill the vacancy occasioned by the resignation of a trustee elected for said ward in May, eighteen hundred and ninety-four, the present residence of which trustee appointed to fill said vacancy will be in the said second ward after the fifteenth day of November, eighteen hundred and ninety-six, and one trustee in said second ward for the term of one year to fill the vacancy which will then exist by reason of the creation of new wards; one trustee in the fourth ward for the term of two years to succeed the present trustee of the third ward who after the fifteenth day of November, eighteen hundred and ninety-six will be a trustee in the fourth ward and one trustee in the fourth ward for the term of one year to fill the vacancy which will then exist by reason of the creation of new wards; one trustee in each of the other wards to succeed the present trustees who were elected in May, eighteen hundred and ninety-four and to fill the vacancies then existing in the office of trustee occasioned by the creation of new wards; and at the election to be held on the third Tuesday of December, eighteen hundred and ninety-seven, there shall be elected five trustees, one in each ward, to succeed the present trustees who were elected in December, eighteen hundred and ninety-five, and to succeed the trustees elected for the one year term in the first and second wards, and annually thereafter there shall be elected five trustees, one in each ward, for the term of two years. The present trustees shall hold their offices until the expiration of the terms for which they were elected or appointed and after the fifteenth day of November, eighteen hundred and ninety-six, shall be the trustees of the wards in which their present residences are, notwithstanding the number of

**Present
trustees.**

said ward shall have been changed by reason of the creation of new wards in said village. The trustees shall meet at the usual place of meeting on the first Monday of January of each year, at eight o'clock in the evening, and form a board; they shall appoint a clerk, a treasurer, a collector of taxes and assessments, a superintendent of highways, a superintendent of fire alarm system, a police clerk and a police justice, a village engineer and surveyor, three police commissioners, a chief of police and not more than six police constables who shall hold their offices until the first day of January, then next ensuing and until their successors shall be appointed and duly qualified. The board may also elect one of its number president pro tempore, who shall be presiding officer during the temporary absence of the president from its meetings, and who shall act as president during the absence of the president from the village. But said president pro tempore shall not have the power to sign or veto ordinances and resolutions of the board unless such absence shall continue for more than ten days. In case of a vacancy in any appointive office by reason of death, resignation or any other cause, the board of trustees shall, at its next meeting thereafter, or as soon thereafter as may be, fill such vacancy by the appointment of a person qualified as aforesaid, who shall hold said office for the residue of the unexpired term. In case of a vacancy in any elective office, the board shall appoint a person duly qualified to fill such vacancy until the next annual election, when such vacancy shall be filled by election for the remainder of the unexpired term only. Every officer shall hold his office until his successor is elected or appointed, and shall have duly qualified. At the annual election of said board on the first Monday of January, eighteen hundred and ninety-eight, it shall appoint a president for the term of two years, and at each second annual meeting thereafter the said board shall appoint a person duly qualified as aforesaid president of said village.

Organ-
ization of
board.Appoint-
ment of
officers.President
pro tem.Vacancies,
how filled.President
of village,
appoint-
ment of

§ 3. Subdivision three of section one, title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

3. To regulate the speed and management of private and public conveyances other than steam railways within or through the corporate limits of said village, upon such terms, and under

Speed of
convey-
ances, etc.

such restrictions and penalties as the said board of trustees shall hereafter prescribe.

§ 4. Subdivision eight of section one of title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Nuisances.

8. To remove, destroy, prevent or abate nuisances, to regulate slaughter houses, to direct the location of the same, and to abate nuisances generally. To authorize the discontinuance, removal and abatement of any structure or thing which in the opinion of the board of trustees is detrimental to the health, comfort or convenience of the inhabitants of the village.

§ 5. Subdivision ten of section one of title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

To prohibit
exhibitions
or license
the same.

10. To sanction or prohibit, in their discretion all exhibitions of any natural or artificial curiosities, caravans of animals, circuses, theatricals and other shows or exhibitions or performances for money within the bounds of said corporation. The said trustees, or a majority of them, may license any such exhibition or performance, on payment for the benefit of said corporation, of not less than five nor more than one hundred dollars for each day of such exhibition or performance, in all cases where the amount is not specified by a vote of the board of trustees; but nothing in this section shall be construed to prevent the delivery of literary, historical and scientific lectures in said village, the use and exhibition of apparatus illustrating the same, and the receiving of money for the same, nor shall any license be required for the delivery of such lectures.

§ 6. Subdivision fifteen of section one of title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven as added by chapter six hundred and ninety-three of the laws of eighteen hundred and seventy and amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

To license
hacks, etc.

15. To license hacks and hack-drivers, public conveyances and public vendors of merchandise, junk dealers and to fix the fees therefor, and by ordinance, to regulate, prescribe and determine, from time to time, the rates of fare to be charged for conveying persons or passengers to and from all points within

the corporate limits of said village, and to compel all hacks and public conveyances to exhibit the rates of fare so prescribed and determined in a conspicuous place in said hack or public conveyance and to display the license granted to each hack in a conspicuous place in the vehicle so licensed and to compel the driver of each hack or public conveyance to display in a conspicuous place on his person a badge the form of which shall be determined by the board of trustees and to fix and determine the minimum age of all drivers of hacks and public conveyances.

License to
be display-
ed in con-
spicuous
place.

§ 7. Subdivision seventeen of section one of title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven as added by chapter one hundred and nine of the laws of eighteen hundred and ninety-five and amended by chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

17. Upon receiving from the resident owners of real property fronting upon any street or avenue or portion thereof owning forty per centum lineal measure of the real property owned by resident owners fronting on said street or avenue a petition for the sprinkling of said street or avenue or portion thereof with water during such months of the year as may be prayed for in said petition, it shall be the duty of the board of trustees to cause such street or avenue or portion thereof designated in said petition to be sprinkled with water and kept free from dust by contract with the lowest responsible bidder after advertisement during such months of the year as may be designated in said petition. The expense thereof shall be a charge upon all the real property fronting upon such street or avenue or portion thereof so sprinkled in proportion to its frontage on said street or avenue or portion thereof sprinkled, and shall be assessed thereon by the board and collected in the same manner as all other assessments and taxes are collected, and property exempt from taxation shall not be exempt from assessment to pay for sprinkling in front of said property. The provisions of this subdivision shall not apply to any street or avenue in said village paved or macadamized, for which assessments shall have been or may be made upon property fronting thereon for such paving or macadamizing.

Street
sprinkling

Expense
thereof.

§ 8. Subdivision nineteen of section one, title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven as added by chapter one hundred and nine of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Telegraph,
etc., poles
and wires.

19. To regulate and control the erection of poles and the hanging or laying of wires in the streets of said village for telegraph, telephone, electric lights, electric cars or other purposes, and to prohibit the cutting of trees in the streets of said village.

§ 9. Section one of title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven is hereby amended by adding thereto, as a part thereof, three new subdivisions to be known as subdivisions twenty-one, twenty-two and twenty-three as follows:

Sprinkling
of paved
streets.

21. To cause such streets and avenues in the village as have been paved or macadamized to be sprinkled with water by contract or under the direction of the board of trustees, the expense thereof to be a village charge. The water for such sprinkling shall be furnished by the board of water commissioners of the village without charge and in such quantities and at and for such times and places as the board of trustees shall by resolution determine.

To license
junk shops,
etc.

22. To license and regulate persons to keep what are commonly called junk shops, or to deal or to be engaged in the business of collecting or buying old junk, rags, old rope, old iron, brass, copper, tin, lead slush or empty bottles and to fix the license fee to be paid annually therefor, and to compel the person or persons so licensed to give a bond to the village in such penal sum as the board of trustees shall by ordinance determine, conditioned for the due observance of all ordinances of the board of trustees of the village that may be adopted or be in force respecting the keeping of junk shops or dealing in junk in the village. To provide that keepers of junk shops in the village shall keep a book in which shall be entered their transactions of business in such manner as the board of trustees shall by ordinance determine, such license and book to be at all times open to inspection by the president and trustees and chief of police of the village and to fix a penalty for the

Books to be
kept.

violation of any ordinance in relation to the business of dealing in junk.

23. To cause the streets and avenues of the village that have been paved or macadamized to be cleaned either under the direction of the board of trustees or by contract, the expense thereof to be a village charge. Cleaning of streets.

§ 10. Section six of title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter six hundred and ninety-three of the laws of eighteen hundred and seventy, and by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

§ 6. The president, trustees, police commissioners, chief of police, and the police constables of said village, or either of them, shall have power and are hereby authorized at any and all times, to arrest, or cause to be arrested, with or without process, all persons who shall sell strong and spirituous liquors, ales and wines, within said village, contrary to law; all habitual drunkards; all drunken persons or persons found intoxicated in the highways, streets, avenues, alleys and public places in said village; all riotous persons engaged in quarreling or fighting; and all persons who shall use indecent or profane language or indulge in rude, disorderly or violent conduct in any highway, street, avenue, alley, public place, hall or room, or in any place where any exhibitions, shows, performances, or lectures are being given, or held, within said village, in addition to those persons enumerated in the first section of title five, chapter twenty, of the first part of the revised statutes, all of whom shall be deemed disorderly persons; and the said officers shall have power, with or without process, while in pursuit of said disorderly persons to enter, or cause to be entered, any building or place, within the limits of said village and arrest, or cause to be arrested such disorderly persons and shall take them forthwith before the police justice of said village, to be dealt with according to the provisions of this act. In case the said police justice cannot be found, then the officer arresting such offender may detain him or her, in custody, or commit him, or her to the county jail, or any other convenient and secure place, for safe keeping, until said police justice can be found, not to exceed forty-eight hours, when the officer shall immediately Arrest of disorderly persons. Detention etc., of persons arrested.

bring such offender before the said police justice, or, in his absence, before a justice of the peace residing in said village to be tried as hereinafter provided; said officers shall have power to command assistance, whenever they shall deem it necessary.

Assistance.

Designation
of justice,
in absence
of police
justice.

The board of trustees shall, as often as may be necessary, designate a justice of the peace residing in said village to act as police justice in the absence or during the inability of the police justice to attend to his official duties.

Section
repealed.

§ 11. Section nine of title three of said act, as added by chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and amended by chapter three hundred and seventy-eight of the laws of eighteen hundred and eighty-six and chapter three hundred and fifteen of the laws of eighteen hundred and ninety and chapter one hundred and nine of the laws of eighteen hundred and ninety-five, is hereby repealed.

§ 12. Subdivision five of section one of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and by chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and by chapter three hundred and fifteen of the laws of eighteen hundred and ninety and by chapter one hundred and nine of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Parks.

5. For the care, maintenance, improvement and beautifying the parks and public places of the village, a sum not to exceed one thousand dollars.

§ 13. Subdivision six of section one of title four of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and chapter three hundred and fifteen of the laws of eighteen hundred and ninety and by chapter one hundred and nine of the laws of eighteen

hundred and ninety-five, is hereby amended so as to read as follows:

6. For the payment of the expenses of maintaining the fire department and fire alarm system, and extension of the system and payment of the salary of the superintendent of the fire alarm system, an amount not to exceed two thousand dollars.

§ 14. Subdivision nine of section one of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and by chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and by chapter three hundred and fifteen of the laws of eighteen hundred and ninety and by chapter one hundred and nine of the laws of eighteen hundred and ninety-five and chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

9. For the salary of village clerk, an amount not to exceed eight hundred dollars.

§ 15. Subdivision ten of section one of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and by chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and chapter three hundred and fifteen of the laws of eighteen hundred and ninety and chapter one hundred and nine of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

10. For the salary of village treasurer, an amount not to exceed five hundred dollars.

§ 16. Section two of title three of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter eight hundred and five of the laws of eighteen hundred and seventy-one and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and chapter three hundred and fifteen of the laws of eighteen

hundred and ninety and chapter one hundred and nine of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Police
officers.

§ 2. The board of trustees shall appoint a force of police officers to consist of a chief of police and not more than six police constables who shall be under the direction of the presi-

Duties.

dent. The board shall prescribe the duties of such police officers and fix their compensation; the compensation shall not exceed twelve hundred dollars annually for the chief of police. Such police officers shall hold office during the pleasure of the board of trustees. After the first day of

Salaries.

January, in the year nineteen hundred and three the salaries of the police officers, other than the chief of police, shall be graded as follows: Police officers serving their first year shall receive a salary of not to exceed six hundred dollars per year; police officers serving their second year shall receive a salary of not to exceed seven hundred dollars per year, and police officers serving their third year and thereafter shall receive a salary of not to exceed eight hundred dollars per year.

Powers.

The said police officers shall not be paid or entitled to receive any other fees or compensation for any arrest or other service rendered in or for said village. The said police officers are hereby empowered to serve and execute any criminal process and perform such other duties as pertain to the office of constable of a town in the county of Westchester with the same force and effect as if performed by such constable. Such police officer shall have exclusive jurisdiction within the limits of the village to execute all criminal process and all process other than in civil actions and proceedings, and all process issued by the police justice under section nine of title two of this act, and the constables elected in the towns within which such village is situated shall not have any jurisdiction or authority to arrest in cases of vagrancy or to execute criminal process or any process other than in civil actions and proceedings within the

Designation
of police
constable
to act as
chief of
police.

limits of the village. The board of trustees shall, in case of the sickness, absence from the village, disability or inability of the chief of police, designate one of the police constables to perform the duties of said office during the time such sickness, absence, disability or inability shall continue, and such person shall have the same powers and authority and be subject to the same lia-

bilities as said chief of police and in case he shall perform any of the duties of said chief of police he shall be allowed therefor such fees or compensation as the board of trustees shall fix and determine, and the amount thereof, when audited and paid, shall be deducted from the salary of said chief of police. Such designation may be revoked and a redesignation made at any time. The said board is also hereby authorized and empowered on the application in writing, of any person, residing in, or corporation, bank, banking institution, or cemetery association located and doing business in said village, to appoint one or more special police constables for such time as may be requested in said application, or said board shall determine upon whose duty it shall be to perform the duties of patrolman and watchman in, around and over the property and place of business of such person, corporation, bank, banking institution or cemetery association, and to prevent the property aforesaid from being stolen, injured or otherwise unlawfully interfered with by any person or persons, and said special police constable or police constables, while in actual service, shall have the same powers to arrest without process as are conferred upon the police constables by this act, and shall be entitled to such compensation for the time he or they shall be in actual service as the said board shall determine upon at the time of making the appointment, such compensation to be paid by the person, corporation, bank, banking institution or cemetery association applying for the appointment of said special police constable or constables; and if such person, corporation, bank, banking institution or cemetery association shall refuse to pay such compensation to said police constable or constables he or they are authorized to sue for and recover such compensation with costs, from any such person, corporation, bank, banking institution or cemetery association. And whenever the said board shall have reason to apprehend a breach of peace, or shall deem it necessary for the preservation of the public peace or to quell and prevent any disturbances, riots, and disorderly and unlawful assemblages and meetings in said village, the said board is hereby authorized and empowered to appoint as many special police constables as said board shall deem necessary for such time as said board shall determine upon, who, while in actual service, shall have and possess the same powers to arrest, with or without process, as are conferred upon

Special
police con-
stables for
banks, etc.

Compensa-
tion.

Special
police con-
stables to
quell riots,
etc.

the police constables by this act and who shall receive such compensation while in actual service as said board shall prescribe, such compensation to be paid by said village.

§ 17. Subdivision seven of section one of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and chapter three hundred and fifteen of the laws of eighteen hundred and seventy and by chapter one hundred and nine of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Salaries,
police de-
partment.

7. For the salaries and expenses of the police department an amount not to exceed seven thousand dollars.

§ 18. Subdivision twelve of section one, title four of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and by chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and by chapter one hundred and nine of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

Cleaning
sidewalks
and
removal of
garbage,
etc.

12. For clearing crosswalks and the removal and disposal of ashes and garbage, dead animals and general refuse matter, an amount not exceeding two thousand five hundred dollars.

§ 19. Section one of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and chapter one hundred and nine of the laws of eighteen hundred and ninety-five and chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended by adding thereto as a part thereof to be known as subdivision thirteen the following:

13. For salaries of health officers, secretary to board of health,

and the ordinary expenses incurred by said board an amount Salaries, health officers. not to exceed fifteen hundred dollars.

§ 20. Section two of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter six hundred and ninety-three of the laws of eighteen hundred and seventy and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four, is hereby amended so as to read as follows:

§ 2. Whenever any tax shall have been directed to be levied upon the taxable property in the said village by the board of trustees, or whenever directed so to do by said board, it shall be the duty of the clerk of the said village to make up an assessment roll of the taxable property, real and personal, in the said village by copying or causing to be copied under his supervision so much of the assessment rolls of each of the towns of White Plains and Greenburgh, made and completed in the previous year, as relates to persons residing in and property included and taxable within the village of White Plains. Upon the completion of the said assessment roll the said clerk shall annex thereto a certificate under his hand and the corporate seal of said village, that said assessment roll contains so much of the assessment rolls of the aforesaid towns of White Plains and Greenburgh respectively as relates to persons residing in and property included and taxable within the said village of White Plains and shall deliver the said assessment roll, certified by him to the said board of trustees, which board shall thereupon give ten days' notice to be published in a newspaper, published in said village to the effect that at a place and on a day and hour to be therein specified, the said board will meet to hear any complaints which may be made in regard to the said assessment roll so made and certified by said clerk. The said board shall meet at said place and time, and shall hear any such complaints which shall be reduced to writing and subscribed and sworn to by the parties making them and filed with the clerk of said village. The said board shall have power, in its discretion, to correct in said assessment roll any palpable or manifest error it may find therein as when there is a misdescription of property, or when property taxable in said village is omitted or

Assessment roll, how made.

Certificate to be attached and roll delivered to trustees.

Notice of meeting to hear complaints.

Hearing.

Trustees may make corrections, etc.

when property taxable elsewhere is included in said roll or when there has been a change of ownership since the assessment was made, or where there are manifest inequalities in the valuation of property therein, but it shall have no power to make a new assessment of property already appraised in said assessment roll, except that in cases of destruction thereof, or a material injury thereto by the elements when the said board may reduce the amount of such assessment or assessments in such sum as it may deem just, and except also where there is a manifest inequality between two or more assessments, the said board may in its discretion, equalize the same as justice may require; and all corrections that may be made in such assessment roll shall be made with the view to having the same conform, as nearly as may be possible, to the state of facts as to assessable persons and property in said village, existing on the said date set for hearing complaints in regard thereto. When the said board shall have completed the review, equalization and correction of the said assessment roll, it shall cause to be rated and assessed on the taxable property contained in said assessment roll as reviewed, equalized and corrected by it, the taxes that shall have been, or may be directed to be levied upon the taxable property, real and personal of the said village for the then current year and when the said taxes shall have been rated and assessed as aforesaid, the said board shall, by resolution, confirm the same and thereupon deliver the said assessment roll to the collector of taxes and assessments of said village with its warrant under the hand of the president and corporate seal of said village directed to said collector demanding him to levy and collect the amount of taxes contained in said assessment roll in the same manner as warrants issued by the board of supervisors to the collectors of towns, and to make return thereof and pay over the money to the treasurer of said village within thirty days after the receipt of such assessment roll by the said collector, or sooner, if required by the said board; but the said board may after the time specified in said warrant for the return thereof, extend the time for the collection of such taxes as shall not then have been paid, for a further term not exceeding five months. For the purpose of enabling the clerk of said village to perform the duties required of him by this section, it shall be the duty of any town officer

When
board to
assess
taxes.

Delivery of
tax roll and
warrant to
collector.

Extension
of warrant.

of the towns of White Plains and Greenburgh, respectively, in whose possession the assessment rolls of said town, respectively, may be, to deliver the same to the said clerk on demand.

Duty of
town
officers.

§ 21. Section four of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

§ 4. Whenever any person, or corporation upon whose estate or property shall be levied, imposed or assessed, pursuant to the several provisions of this act any tax, shall neglect or refuse to pay the same and no personal property can be found whereon the said tax can be levied, the collector of the said village shall make return thereof to the board of trustees who are authorized to cause the said tax so returned with the accrued interest thereon, to be added to and made a part of the tax to be assessed on such estate or property for the succeeding year and to be collected with the said tax so to be assessed; or the said board of trustees are authorized to cause the land or estate on which such tax or any tax authorized by this act, is assessed, to be sold at public auction in the said village for a term of time, for the payment of such tax, giving three weeks' notice of such sale, by advertisement in any newspaper printed in the said village, which notice shall contain a brief description of the premises and the amount of the tax, requiring the owner or owners to pay the same by a day therein specified, and if such tax be not paid at the time and place specified in such notice, the real estate or premises so advertised shall be sold under the direction of the board of trustees, by the president of the said village or some other person for that purpose appointed by the board of trustees, to the person who shall offer to take it for the shortest term of time, for the payment of such tax and the interest thereon and the expenses of such notice and sale, upon any person paying to the treasurer of said village the amount of such tax, the fees and expenses with the interest, penalties and printer's bill upon any property so advertised for sale the proceedings so far as they relate to such property shall be suspended. A person who at the time of the sale was the owner of the property or of a

Return of
uncollected
taxes.

Tax sale.

Proceedings
for redemp-
tion.

vested interest therein or a lessee thereof or his assigns may redeem from the sale, either by paying to the owner of the certificate of sale other than the village or by depositing with the treasurer of the village for his benefit the amount paid by the purchaser on such sale, with interest thereon at the rate of ten per centum per annum from the time of the sale to the time of deposit, and the fees lawfully paid to the register of the county of Westchester for recording the certificate or any assignment thereof. If such payment be made to the owner of the certificate, he shall thereupon execute and deliver to such person making the payment a written cancellation or receipt of the certificate of sale duly acknowledged in the same manner as a deed to be recorded, and specifying the date of the sale, the amount paid thereon, the purchaser thereof and the property sold. If such payment be made to the treasurer he shall deliver to the person making it a written receipt acknowledged in like manner, and containing the like specifications. The recording of such cancellation or receipt in the register's office of Westchester county shall effect a cancellation of such certificate of sale. And if the premises are not redeemed within one year from the day of such sale, the board of trustees shall cause to be executed to the person or persons entitled thereto a lease of the premises so sold, under the corporate seal and signed by the president of the said village for the time being, for the term for which the same were sold to be computed from the expiration of one year from the day of such sale; which lease shall be presumptive evidence that such tax was legally imposed and of the regularity of the proceedings and sale, for which lease the board of trustees may charge the sum of two dollars, on the delivery thereof to the purchaser; and such lessees, his, her or their legal representatives or assigns, may, by virtue of such lease obtain possession of such premises in the manner prescribed by law, in relation to persons holding over real estate sold under execution and shall and may lawfully have, hold and enjoy such premises during the time specified in such lease against the owners thereof and all persons claiming under them, and the tenants or occupants of said property shall attorn to said lessee or his or their legal representatives or assigns, and shall be at liberty, within thirty days after the expiration of such term, to remove all buildings and

When lease
to be given
to pur-
chaser.

Evidence.

Possession,
how ob-
tained.

fixtures put on said lands and premises during said term, in the right of such occupancy. Certificates of such sale may be issued under the corporate seal and signed by the president of the said village, for the time being, setting forth the facts and circumstances of said sale, and the time at which such purchaser will be entitled to such lease, and delivered to such purchaser.

Certificate
of sale.

§ 22. Section eight of title four of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as added thereto by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

§ 8. The board of trustees is hereby authorized and empowered by resolution to issue the bonds of said village to raise moneys to meet deficiencies which may arise in the collection of taxes or assessments for local improvements which have been heretofore or may hereafter be levied, assessed or imposed in accordance with provisions of the existing charter of said village or of this act, and to pay outstanding, existing and unpaid certificates of indebtedness heretofore issued to meet deficiencies arising in the collection of taxes and assessments for local improvements, such bonds shall be issued in such amounts as may be authorized by such resolution, not in excess of the amount of taxes or assessments uncollected and certificates of indebtedness remaining outstanding, existing and unpaid, and shall bear interest not exceeding the rate of six per centum per annum, payable semiannually, the principal payable at such times as the board of trustees shall by resolution determine. All moneys received from arrears of taxes or assessments shall be used for the purpose of paying the interest and principal of the said bonds issued by the board of trustees under the provisions of this section and for no other purpose. Such bonds shall be signed by the president and clerk of said village and shall have the corporate seal thereof affixed thereto and shall not be sold or disposed of below par. A record shall be kept of the number, date and amount of each bond issued as aforesaid, and of the time when the same becomes due or payable, by the clerk of said village. If at the time of the maturing of any bond or bonds there shall not be in the village treasury sufficient moneys arising from the collection of the

Trustees
may issue
bonds for
deficiencies.

Interest,
rate and
when pay-
able.

Application
of moneys.

Record to
be kept.

arrears of taxes and assessments to pay the same or the interest due thereon, the board shall cause the amount of any deficiency there may be to be levied and assessed upon all the taxable property, real and personal, in said village, and collected in the same manner and at the same time as other taxes are collected, to pay such deficiency.

§ 23. Subdivision two of section one of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter six hundred and ninety-three, laws of eighteen hundred and seventy, and chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and chapter four hundred and ninety-three of the laws of eighteen hundred and eighty-four and chapter one hundred and nine of the laws of eighteen hundred and ninety-five and chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six is hereby amended so as to read as follows:

Contracts
for work on
highways,
etc.

2. All of the work of keeping clean, repairing and keeping in repair the highways, crosswalks, bridges and drains shall be done by the board of trustees by contract or otherwise as the board shall determine.

§ 24. Section two of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter eight hundred and five of the laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Trustees to
have power
to regulate
and control
streets,
pavements,
crosswalks,
etc.

§ 2. The board of trustees shall have power, and are hereby authorized, under the restrictions and limitations hereinafter mentioned, to cause streets and avenues to be opened, extended, straightened, widened, regulated and graded, and shall also have power to change or alter the grade of any street, avenue, highway or bridge in said village, (laid out or accepted by said village) and to grade and regrade the same, and shall have power to cause sidewalks and crosswalks to be regulated, graded and flagged, and curbed and gutter stones set, and the streets, highways and avenues, and bridges to be kept in repair and sidewalks and crosswalks to be reflagged, and curb and gutter stones to be reset; and the expense of all such improvements, except as hereinafter provided, shall be a lien on the property benefited thereby in proportion to the amount of said benefit.

Expense to
be a lien on
property
benefited.

§ 25. Section four of title five of chapter five hundred and

eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter eight hundred and five of the laws of eighteen hundred and seventy-one and chapter one hundred and nine of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 4. Whenever a petition for opening, extending, straightening or widening any street or avenue in said village, signed by the property owners on said street or avenue representing forty per centum of the frontage of the property on said street or avenue as opened and as proposed to be opened, shall be presented to the board of trustees of said village, said trustees shall cause a notice to be published in one of the village newspapers that such application has been made and of the time (which shall not be less than ten days after the first publication of such notice) when they will proceed on such petition, which notice shall be published at least once in each week for two weeks successively in a newspaper published in said village. Before giving notice of the pending of such application, the board of trustees shall fix the limit or district of assessment beyond which the assessment shall not extend, and a description of such limit or district shall be inserted in and form a part of such notice. The said board of trustees shall meet at the time and place designated in said notice, and shall hear all parties interested in said improvement coming before said board for or against said application, and may adjourn such hearing from time to time, and if the said board shall deem the application proper, it may review or alter the limit or district of assessment (but not increase the same) and may on the day specified in said notice, or as soon thereafter as may be, at a regularly adjourned meeting of the board, by a resolution adopted by a majority of the trustees and entered upon the minutes of the board, decide to allow such improvement to be made. If the board of trustees shall deem it proper to permit such improvements to be made they shall cause application to be made to the county court of the county of Westchester, or to the supreme court, at a special term held in the judicial district or department in which said county shall then be situated, for the appointment of three persons as commissioners who shall be residents and freeholders of the village of White Plains, and not interested in or affected by the proposed

Petition for opening streets.

Publication of notice.

Limit of district of assessment.

Supreme court to appoint commissioners to estimate and assess expenses.

improvement of the real property taken therefor, to estimate the expense of said improvement and the damages sustained by the owners, lessees or occupant of any land taken for such improvement, and to assess the amount of such damages and the expenses of such improvement on the property within said assessment district. Notice of such application shall be published in one or more of the village newspapers, once in each week, for two weeks successively, before the day on which such application is so made. The said court upon such application and after hearing all persons interested therein desiring to be heard shall appoint three disinterested and competent resident freeholders of said village as such commissioners. The said court may also appoint another or others to act in place of any one or more of such commissioners who may die, decline serving, be, or become interested in the improvement, or for any cause whatever may be disabled from serving, without notice, upon application of said board of trustees.

Vacancies,
how filled.

§ 26. Section seven of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven is hereby amended so as to read as follows:

Report of
commissioners;
its contents.

§ 7. The report of said commissioners shall be made in a tabular form, with columns, in which shall be distinctly given the whole expense of the proposed improvement, and the several items thereof, the number on the map of the pieces of land required for the improvement, and of any residue, lots or pieces of land, within the district of assessment, of which only a part will be required for the same; the number of the pieces of land assessed for benefits; the names of persons interested in the property taken for the improvement; the amount awarded to the different parties interested in the lands and premises required for the improvement; the amount assessed on each piece of land and on the different interests therein; the balance of award to be received by the different parties over the assessment; the balance of assessment to be paid by each individual whose assessments amount to more than the award, and so many and such different columns and tabular statements as may be necessary to designate the true interest of the parties in the lands and premises required for the improvements, and their liabilities and interests in relation thereto; provided, however, that it shall be lawful for the commis-

sioners to substitute in their report, for the name of the owner of any lands taken or assessed, the words "unknown owners" in all cases where they shall make and annex to their report an affidavit that after having made diligent search and inquiry they have been unable to ascertain the name of the owner. An error or mistake made by any of the commissioners to be appointed under this title, as to the ownership or description of any premises mentioned or referred to in their report, shall not affect or render invalid any part or portion of their said report, or the assessments.

Mistakes
shall not
invalidate
report.

§ 27. Section thirteen of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-eight, as amended by chapter six hundred and ninety-three of the laws of eighteen hundred and seventy and chapter one hundred and nine of the laws of eighteen hundred and ninety-five and chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

§ 13. After the report of the commissioners shall be confirmed the said report shall be delivered to the trustees of said village, who shall thereupon be authorized to cause such improvements to be made. At any time, within the space of thirty days next after the confirmation of the said report, any person from whom any assessment contained therein may be due, may pay the amount thereof, without any additional expenses for collecting, to the treasurer of the village. On the expiration of thirty days from the confirmation of said report by the court, the trustees shall deliver the said report, or a copy thereof, duly certified by the clerk of said village, and attach thereto a warrant signed by a majority of said trustees, or by the president, commanding said collector to collect from the several persons named in the said report, the several sums assessed against such persons respectively, in said report then remaining unpaid, together with such fees or compensation for his services as the trustees, by a by-law shall have provided, not exceeding five per centum on the amount collected, and to pay the same from time to time when collected, to the treasurer of said village, after deducting the aforesaid fees for making such collections. Such warrant shall be made returnable thirty days from the receipt thereof by said collector, but may be renewed and extended by an indorsement thereon, signed by a majority of said trustees or by the presi-

Authority
to make
improve-
ments.

Payment
of assess-
ments.

Warrant
for collec-
tion of as-
sessment.

Collection
of assess-
ments by
collector.

Reports of
collector.

Issue of
assessment
bonds.

Lien of
bonds.

Payment of
awards
from
proceeds.

Payment of
bonds and
interest.

Tax
therefor.

dent, for a period not exceeding five months. The said collector on receiving said report and warrant, shall proceed to collect the assessments therein mentioned, remaining unpaid, in the same manner as provided by section three of title four of this act for the collection of taxes. The collector shall, upon the expiration of his warrant for the collection of any assessment made under this title, report to the board of trustees the amount of each assessment received by him under such warrant and the amount of such assessment remaining unpaid, and the said board shall thereupon issue bonds of the village, to be known as assessment bonds, to the amount of such assessments remaining unpaid. Such bonds shall be signed by the president of the board and the clerk, and shall have the seal of the village attached thereto, and shall be of such denomination, bear such interest, not exceeding six per centum per annum, and mature at such times, not exceeding five years from their date, as the said board of trustees may fix and determine. The said board of trustees may convert such bonds into money, at not less than their par value. And said bonds when so issued and converted shall be a lien upon all the taxable property, real and personal, in said village, and from the proceeds thereof and of the assessments theretofore collected the board of trustees shall cause to be paid to each person to whom an award may have been made in such report or to his legal representatives or assigns, the amount of the same in excess of assessments against him, and all moneys received from assessments which remained unpaid at the time of issuing said bonds and from the sale of the land for the non-payment of such assessments after the issue of such bonds, shall be held and used, exclusively for the payment of such bonds and the interest thereon until the same are all paid, and all surplus collected, if any, shall be applied to the purposes named in section one of title four of this act. In case the entire receipts for such assessment or sales of land for non-payment thereof as herein provided shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued, or in case in any year when any of the principal of the loan secured by said bonds falls due, the amount of such receipts together with the sum in the treasury of the village applicable thereto, shall not be sufficient to pay said princi-

pal and also the said interest falling due that year, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected, in addition to other taxes, on and from the taxable property of said village, at the same time and in the same manner as the other taxes of said village are assessed, levied and collected, and the amount so raised shall be applied to the payment of said interest or principal, or both, or the deficiency thereof not otherwise provided for.

§ 28. Section eight of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

§ 8. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners, may, in cases where injury and injustice would otherwise be done, and with the consent in writing of the owner or owners of such lot or lots, include the whole or any part of such residue in their report, briefly describing the same, and estimate separately the value thereof. Every such residue, or part of residue, which shall be so included, shall, upon the confirmation of the said report, as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated to the owner or owners thereof, vest in fee simple in the village of White Plains. The trustees of said village shall thereupon sell and dispose of the same, at a price or prices not less than the sum at which it shall have been so estimated, to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice, to be determined by the trustees of said village, elect to take the same at such price or prices, it shall be disposed of at public auction upon such notice as the trustees shall deem proper, for the best price or prices that can be obtained for the same. In case the same shall sell at a less sum than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for payment of the amount thereof, the commissioners shall include, in the estimate and assessment of the expenses of such improvement, the

Proceed-
ings in
relation to
residue
lots.

Provision
for
deficiency.

estimated value of any such residue or part of residue which may be included in their report; and upon the sale of the same, as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

§ 29. Section fifteen of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Compensation of commissioners.

§ 15. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed six dollars for each and every day while actually and necessarily employed in and about their duties, and such compensation, and the fees and charges of surveyors and other persons, shall be estimated as part of the expenses of the improvement, and be afterwards taxed or certified by the county judge or some other officer authorized to tax costs in the supreme court of this state.

§ 30. Section seventeen of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter eight hundred and five of the laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Supreme court to appoint guardians.

§ 17. In any case of opening, straightening, widening or extending any street or avenue under the provisions of this act, the county court of the county of Westchester, or the county judge thereof, in term or vacation, or a justice of the supreme court, shall have power, on application, to appoint guardians for infants or other incompetent persons, to protect their interests or prosecute appeals, who shall be entitled to receive such compensation as may be fixed by the court.

§ 31. Section eighteen of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven is hereby amended so as to read as follows:

Village attorney's fees.

§ 18. The cost and fees of the attorney for the village in any such proceeding, exclusive of his disbursements, shall be such sum as shall be allowed by the court, and in case of appeal or when the report is sent back to the commissioners such further sum in addition to the taxed or certified bill, as the court may deem just and proper.

Section repealed.

§ 32. Section twenty of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as

amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and chapter three hundred and fifteen of the laws of eighteen hundred and ninety, is hereby repealed.

§ 33. Section eleven of title seven of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

§ 11. All work under the direction of the board of trustees of said village other than the working and repairing of the highways whenever and wherever practicable, shall be done by contract by the lowest responsible bidder therefor. And the said board is hereby authorized and required to procure such estimates and bids for such work, and to make the necessary contracts therefor; provided, however, that this section shall not apply to the repairing of bridges and sidewalks. Work, how done.

§ 34. Section twelve of title seven of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight and by chapter three hundred and fifteen of the laws of eighteen hundred and ninety and by chapter one hundred and nine of the laws of eighteen hundred and ninety-five and by chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

§ 12. Said board of trustees shall have power to enter into a contract or contracts with any gas company or electric light company or with any person or persons for lighting the streets and public places in said village for a term not to exceed three years. Eight months prior to the expiration of the existing contract for lighting the streets and of any such contract hereafter made, the board shall cause a notice to be published in one or more of the village newspapers for four successive weeks thereafter, and in such other manner as the board may direct, inviting bids or proposals for lighting the streets of the village with gas or electricity, or both, for a term to be fixed by the board not exceeding three years, setting forth the number of gas and electric lights required each night during said period Street lighting contracts.

Advertisement for proposals.

Contracts.

and the candle power required of each, and requiring separate proposals for gas and electricity. Within thirty days after the opening of said proposals the board if it shall deem it to be for the best interest of the village may enter into contract with the persons or corporations making the lowest bids for gas and electricity, respectively, provided that each of such persons or corporations shall have first filed with the clerk of the board

Bond.

a bond with two sureties, or a surety company, in a penalty of ten thousand dollars conditioned for the faithful performance of such contract and approved by the board. If at the time of the passage of this act, the board shall not have entered into any new contract for lighting the streets, they shall immediately advertise for proposals as above provided, notwithstanding there shall not be eight months remaining before the expiration of the present contract. The board shall not make any contract or contracts for the lighting of said streets by gas or electricity, or both, by which they shall obligate the village to pay therefor in the aggregate a greater sum than ten thousand dollars per annum.

**Limitation
of con-
tracts.**

§ 35. Section fourteen of title seven of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

**Application
of general
tax laws.**

§ 14. All taxes in said village shall be assessed and collected in conformity, as far as practicable, with the provisions of law in respect to the assessment and collection of taxes by town assessors and collectors, so far as the same are not inconsistent with the provisions of this act. No tax or assessment thereof under this act shall be void in consequence of the name of the rightful owner or owners of any real estate not being inserted in the assessment rolls or lists. But in such case no tax shall be collected except from the real estate so assessed.

§ 36. Section nineteen of title seven of chapter four hundred and sixty-seven as added by chapter seven hundred and sixty-nine of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

**Issue of
bonds for
existing in-
debtedness.**

§ 19. The board of trustees of said village is hereby authorized to issue the bonds of said village to pay any indebtedness of said village arising by reason of the current expenses of

said village exceeding the amount provided by law for the payment thereof, said bonds to be issued in such amounts and to draw such interest not exceeding six per centum per annum payable semi-annually and to run for such periods as the said board shall by resolution determine; they shall be signed by the president and clerk of the village, and have the corporate seal thereof affixed thereto, and shall not be disposed of for less than their par value, and when issued shall be a lien upon all the taxable property, real and personal in said village, and the said board shall provide for the payment of the interest thereof and the principal thereof at maturity by including the amount of said interest to be paid annually and the amount of said principal maturing in the annual tax levy of said village.

Payment of
interest and
principal.

§ 37. Title seven of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven is hereby amended by adding thereto as section twenty the following:

§ 20. The provisions of section one hundred and fifty-nine of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," shall not apply to any change of grade of street, avenue or bridge in the village of White Plains. But this act and amendment shall not affect or impair any act done or right accruing, accrued, or acquired, or liability, or penalty incurred prior to the time of the passage of this act, but the same may be asserted, enforced or prosecuted as fully and to the same extent as if this act and amendment had not been passed; and all claims, action and proceedings commenced under and by virtue of said section one hundred and fifty-nine of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven and asserted, presented and pending prior to the passage of this act, and amendment, may be prosecuted to final effect in the same manner as they might be if this act and amendment had not been passed.

Act not
applicable.

§ 38. Section nineteen of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter six hundred and ninety-three of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

Assess-
ments a
lien on
property.

§ 19. All assessments for improvements in the said village, when the same shall have been confirmed by the court, as herein provided, shall constitute, be and remain a lien upon the lands and premises upon which the same shall have been imposed or assessed until paid or satisfied; and the said lien, with the interest and expenses thereon, as hereinafter provided, shall have priority over all other liens or incumbrances. When any such assessment shall be returned by the collector of the said village, on the warrant issued to him as unsatisfied in whole or in part, it shall be lawful for the trustees, and it shall be their duty, to cause such lands and premises to be sold at public auction for a term of time, for the payment of such assessment, with the interest and expenses thereon, in the same manner and as provided by section four of title four of this act for the sale of lands and premises for unpaid taxes and the several provisions of said section four of title four of this act shall be applicable to all sales made in pursuance and by virtue of this section.

§ 39. Section twenty-one of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven; and sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five, of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as added by chapter four hundred and nine of the laws of eighteen hundred and seventy-three, and section thirty-six of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as added by chapter four hundred and nine of the laws of eighteen hundred and seventy-three and amended by chapter one hundred and nine of the laws of eighteen hundred and ninety-five, are hereby repealed.

§ 40. Section twenty-three of title five of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

Owners to
keep side-
walks in
repair.

§ 23. It shall be the duty of the owners or occupants of lands fronting on any of the streets or avenues in said village, to construct, relay, and keep in repair the sidewalks, curbing and gutters in front of their respective lots, in such manner, at such times, and of such materials, as the

said trustees may by a by-law, resolution, or ordinance for that purpose legally direct. Notice of such by-law, resolution or ordinance shall be served upon the owner or owners, occupant or occupants of said lands by publication of said by-law, resolution or ordinance for two weeks in at least two of the newspapers published in said village, and if any such owner or occupant shall refuse or neglect to construct, relay or repair the sidewalks, curbing and gutters opposite to or fronting on the lot or lots owned or occupied by him as aforesaid, when so directed to do by the trustees as aforesaid, then in either case it shall be lawful for the trustees to cause such sidewalks, curbing and gutters to be so constructed, relaid or repaired, for or on account of the owner of such lots, and such owner and such lots shall be liable to pay the expenses of such repairs, relaying or construction, as the same shall be audited and determined by said board of trustees, and such expenses shall include the cost and expense incurred by said board of trustees in such repairs, relaying or constructing, the cost of publishing the by-law, resolution or ordinance, the cost of the services of the village engineer in overseeing and supervising said work, and charges of the attorney for the village in drawing contracts for said work, and the cost of advertising for contracts to do said work; such expense to be apportioned and determined by said board of trustees, and all sums so expended upon sidewalks, curbing and gutters after being audited and determined by a vote of the board of trustees, shall be a lien or tax to that amount upon every such lot, and thereupon it shall be lawful for the said board to issue to the collector of taxes, and assessments, their warrant, returnable in thirty days, for the collection thereof out of the goods and chattels of the persons legally liable to pay the same; and if such warrant shall be returned unsatisfied, in whole or in part, to advertise and sell such lot in the manner prescribed in titles four and five of this act, as in case of sale for the non-payment of assessments and taxes, by the revised statutes in like cases; and the purchaser or purchasers, owner or owners, and his, her, or their legal representatives shall have the same rights and privileges as are given to them respectively in and by said titles. The aforesaid warrant shall be under the corporate seal of said village, and signed by the

Proceed-
ings when
owners
neglect so
to do.

Warrant
shall be
under
village
corporate
seal.

president thereof, and may be renewed in the same manner as hereinbefore provided for the renewal of a warrant for the collection of taxes. A warrant issued for the collection of assessments for any of the improvements authorized by this act may be issued and renewed in the same manner as provided for warrants for the collection of taxes. To provide funds for the expense of construction, relaying or repairing of any of said sidewalks, curbing or gutters the board of trustees is hereby authorized, and empowered, whenever it may deem it necessary to issue certificates of indebtedness of said village in anticipation of the collection of assessments made or to be made for the cost and expense of said work of constructing sidewalks, curbing and gutters, or the relaying or repairing of sidewalks, gutters and curbing, which certificates shall be known as sidewalk assessment certificates of indebtedness; said certificates shall be issued in such denominations as said board of trustees may determine, shall be made payable at not to exceed five years from the date of issue; shall bear interest at a rate not to exceed four per centum per annum, payable semi-annually, and shall not be disposed of for less than par; the proceeds of said certificates when sold shall be used solely for the purpose of paying the cost and expenses of constructing, relaying or repairing sidewalks, curbing and gutters in said village, and any of said certificates outstanding shall be paid and retired with the moneys received from the assessments levied for the cost and expenses of constructing said sidewalks, curbing and gutters, or the relaying or repairing the same, and said moneys shall be used for no other purpose.

Trustees
authorized
to issue
certificate
of indebted-
ness.

Interest,
rate and
when pay-
able.

Proceed-
ings to
acquire real
property.

§ 41. Whenever the village of White Plains or any board of officers thereof, or the board of trustees thereof, or the board of water commissioners thereof, desires to acquire title to real property, for a public use by condemnation, the proceeding for that purpose shall be taken in the manner provided in title one of chapter twenty-three of the code of civil procedure of the state of New York, except that the petition required by section thirty-three hundred and sixty of said title may be presented to the county judge of the county of Westchester, or to the supreme court, and except that the commissioners to be appointed by said county judge of the county of Westchester

or the supreme court in pursuance of the provisions of section thirty-three hundred and sixty-nine of said title, shall be disinterested and competent residents, and freeholders of the village of White Plains.

§ 42. This act shall take effect immediately.

Chap. 202.

AN ACT to authorize the village of Canisteo, in Steuben county, to borrow money and issue bonds, for the purpose of repairing the old, and building new piling and embankments along Bennetts creek, in said village and pay the indebtedness incurred by virtue of the quarantine of smallpox patients in said village.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Canisteo, in Steuben county, are hereby authorized and directed to borrow a sum not exceeding three thousand dollars and to issue bonds for that amount, or for so much thereof as they may deem necessary for the purpose of repairing the old embankment along Bennetts creek in said village and building new embankments and piling along said creek at points where the said board of trustees shall deem necessary, for the purpose of keeping water from said creek out of said village. And also to pay the expenses and debts heretofore incurred by said board and by the board of health of said village in quarantining smallpox patients in said village and for medical care of such patients and paying for property destroyed by order of the board of health and expenses connected therewith as audited and allowed by the board of trustees.

Trustees
authorized
to borrow
money and
issue bonds.

§ 2. Said bonds shall be issued for five hundred dollars each, shall be signed by the president and clerk of said village, and shall be payable with interest at the first state bank in the village of Canisteo and shall bear interest at such rate as shall be fixed by the board of trustees, not exceeding five per centum per annum; and shall mature, one bond of five hundred dollars in one year from the date of the same, and one bond each year

Bonds.

Interest.

thereafter from the date of the same until the full amount of said bonds shall be fully paid. The interest on the same shall be paid annually, one year from the date of the bonds. Said bonds shall be sold by the trustees at the best price they can obtain therefor, not less than par.

Tax. § 3. The board of trustees of said village shall raise by tax in the manner now provided by law for collecting taxes in said village on the taxable property within the village in addition to the other taxes authorized by law, the amount of the principal or interest or both which shall become due on said bonds in any year until the principal and interest of said bonds are fully paid.

§ 4. This act shall take effect immediately.

Chap. 203.

AN ACT to amend the penal code in relation to advertisements to procure divorces.

Became a law, March 21, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by inserting therein a new section to be numbered one hundred and forty-eight-a, to read as follows:

§ 148-a. Advertising to procure divorces.—Whoever prints, publishes, distributes or circulates, or causes to be printed, published, distributed or circulated any circular, pamphlet, card, hand bill, advertisement, printed paper, book, newspaper or notice of any kind offering to procure or to aid in procuring any divorce, or the severance, dissolution, or annulment of any marriage, or offering to engage, appear or act as attorney or counsel in any suit for alimony or divorce or the severance, dissolution or annulment of any marriage, either in this state or elsewhere, is guilty of a misdemeanor. This act shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this state.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 204.

AN ACT to amend chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two, entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," by including within the bounds of such city portions of the towns of Rotterdam and Niskayuna, increasing the number of wards of such city, and making certain provisions incident thereto.

Accepted by the city.

Became a law, March 21, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title one of chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two, entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," as amended by chapter six hundred and ninety-four of the laws of eighteen hundred and seventy, is hereby amended to read as follows: Charter amended.

§ 1. All that part of the county of Schenectady bounded and described as follows shall hereafter be included in and constitute the city of Schenectady: Beginning at a stone monument on the southerly bank of the Mohawk river located on the lands formerly owned by W. Cunningham and running along the boundary line, established January twenty-fifth, eighteen hundred and sixty-six, by a map filed in the office of the county clerk of Schenectady county, to the stone monument on or near the easterly line of the Rosa road; thence, in a straight line to the intersection of the westerly line of the Brewer road and the northerly line of the Troy turnpike; thence, in a straight line to the intersection of the easterly line of Elbert street and the southerly line of the Albany turnpike; thence, in a straight line to a stone monument (which was established as the southwest corner of the city boundary, January twenty-fifth, eighteen hundred and sixty-six by a map filed in the office of the county clerk of Schenectady county), on the southerly side of the New York Central and Hudson river railroad; thence, in a straight line to the intersection of the westerly line of Cleve- Corporate limits.

land avenue, and the northerly line of Guilderland avenue; thence in a straight line to the intersection of the easterly line of Olean street (formerly called the Oil Mill road) and the northerly line of the lands of the Delaware and Hudson railroad company; thence, in a straight line to the center of the culvert, through which Teller's Kill flows under the Erie canal; thence, along the center line of the Erie canal to a point, near the Westinghouse works, where said line intersects the boundary line established January twenty-fifth, eighteen hundred and sixty-six by a map filed in the office of the county clerk of Schenectady county; thence, along said boundary line to the center of the Binne kill; thence, down the center of the Binne kill as it runs to the Mohawk river; thence, along the Mohawk river to the place of beginning; such territory embracing the city of Schenectady as bounded and described by a map filed in the office of the county clerk of Schenectady county on the twenty-fifth day of January, eighteen hundred and sixty-six, in pursuance of chapter seven hundred and five of the laws of eighteen hundred and sixty-five, and portions of the towns of Rotterdam and Niskayuna in such county. This act shall be known as the charter of said city.

§ 2. Section two of title one of such act, as amended by chapter six hundred and ninety-four of the laws of eighteen hundred and seventy, and chapter three hundred and ninety-three of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 2. The said city shall be divided into ten wards, as follows:

First ward.—All that part of said city bounded northerly by the north bounds of said city, easterly and southerly by the westerly line of the New York Central and Hudson river railroad, and westerly by the city bounds, as formerly established by a map filed in the office of the county clerk of Schenectady county on the twenty-fifth day of January, eighteen hundred and sixty-six.

Second ward.—All that part of said city bounded northerly and easterly by the city bounds, southerly by the center of the Troy turnpike and the center of Union street, and westerly by a line commencing at a point where the center line of Park place produced southerly intersects the center line of Union street and running thence northerly along said line and along

the center of Park place to the center of Nott street, thence westerly along the center of Nott street to the easterly line of the Troy branch of the New York Central and Hudson river railroad, thence northerly along the easterly line of the Troy branch of the New York Central and Hudson river railroad to the northerly boundary line of said city.

Third ward.—All that part of said city bounded northerly by the city bounds, easterly by the westerly line of the second ward, southerly by the center of Union street, and westerly by the westerly line of the New York Central and Hudson river railroad.

Fourth ward.—All that part of said city bounded northerly by the center of Union street, easterly by the center of Nott terrace, southerly by the center of State street, and westerly by the westerly line of the New York Central and Hudson river railroad.

Fifth ward.—All that part of said city bounded northerly by the center of State street, easterly and southerly by a line commencing at a point where the center line of Veeder avenue produced northeasterly intersects the center line of State street, and running thence southwesterly along said line and along the center line of Veeder avenue to the point of intersection of the center line of Veeder avenue with the center line of South Center street, and thence westerly along the center of South Center street to the westerly boundary line of said city as formerly established by a map filed in the office of the county clerk of Schenectady county on the twenty-fifth day of January, eighteen hundred and sixty-six; and westerly by the city bounds as formerly established by a map filed in the office of the county clerk of Schenectady county on the twenty-fifth day of January, eighteen hundred and sixty-six, and the westerly line of the New York Central and Hudson river railroad.

Sixth ward.—All that part of said city bounded northerly by the center of Union street and the center of the Troy turnpike, easterly by the city bounds, southerly by the center of the Albany turnpike and the center of State street, and westerly by the center of Nott terrace.

Seventh ward.—All that part of said city bounded northerly by the center of State street, easterly and southerly by a line commencing at a point where the center line of Steuben

street produced northeasterly intersects the center line of State street, and running thence southwesterly along said line and along the center line of Steuben street and said center line produced southwesterly to the center of Duane avenue, thence westerly along the center of Duane avenue to the center of Craig street, thence southerly along the center of Craig street and along the center line of Craig street produced southerly to the southerly boundary line of said city as formerly established by a map filed in the office of the county clerk of Schenectady county on the twenty-fifth day of January, eighteen hundred and sixty-six; and westerly by the city bounds as formerly established by a map filed in the office of the county clerk of Schenectady county on the twenty-fifth day of January, eighteen hundred and sixty-six and the fifth ward.

Eighth ward.—All that part of said city bounded northerly by the center of State street and the center of the Albany turnpike; easterly by the city bounds and southerly by the city bounds, as formerly established by a map filed in the office of the county clerk of Schenectady county on the twenty-fifth day of January, eighteen hundred and sixty-six, and westerly by the seventh ward.

Ninth ward.—All that part of said city bounded easterly by the fifth, seventh and eighth wards, southerly, westerly and northerly by the westerly line of the New York Central and Hudson river railroad.

Tenth ward.—All that part of said city bounded northerly by the center line of the Erie canal, easterly by the first and ninth wards, southerly and westerly by the city bounds.

The term “city bounds” used in this section as descriptive of ward boundaries, except where otherwise specified, refers to the bounds of the city of Schenectady as enlarged by inclusion therein of portions of the towns of Rotterdam and Niskayuna.

§ 3. **Title** one of such act is hereby amended by adding thereto three sections to be sections five, six and seven thereof, and to read as follows:

§ 5. The provisions of all laws relating to the city of Schenectady or prescribing the powers and duties of the common council and officers of such city shall apply to the entire city of Schenectady and the several wards thereof as hereby consti-

tuted, enlarged and described. The officers of the wards of such city numbered from one to eight, both inclusive, shall be deemed the officers of and for such wards, respectively, as hereby bounded and described. Within ten days after this act takes effect, the common council of the city of Schenectady shall meet and appoint two aldermen, one supervisor and one constable for each of the ninth and tenth wards of such city. The aldermen and constables so appointed shall hold office until January first, nineteen hundred and three, and the supervisors until the second Tuesday in April, nineteen hundred and three. At the annual city election to be held in the month of November, nineteen hundred and two, there shall be elected in and for each of the ninth and tenth wards, two aldermen, one to hold office for a term of two years and one for a term of one year from and including the first day of January, nineteen hundred and three; and at each annual city election thereafter one alderman shall be elected in and for each of such wards to hold office for a term of two years from and including the first day of January succeeding his election. At the annual city election to be held in the month of November, nineteen hundred and two, there shall be elected in and for each of the ninth and tenth wards one constable to hold office for a term of one year from and including the first day of January, nineteen hundred and three; and at each annual city election thereafter one constable shall be elected in and for each of such wards to hold office for a term of one year from and including the first day of January succeeding his election. At the annual city election to be held in the month of November, nineteen hundred and two, there shall be elected in and for each of the ninth and tenth wards one supervisor to hold office for a term of one year from and including the second Tuesday in April succeeding his election; at the annual city election held in the month of November, nineteen hundred and three, there shall be elected in and for each of such wards one supervisor to hold office for a term of two years from and including the second Tuesday in April, nineteen hundred and four; and at each alternate annual city election thereafter there shall be elected in and for each of such wards one supervisor to hold office for a term of two years from and including the second Tuesday in April

Ward officers, appointment of.

Terms of officers.

Annual election.

Election of officers.

Constables, election and terms of.

Supervisors, election and terms of.

Powers and
duties of
officers.

succeeding his election. The officers appointed or elected pursuant to this section in and for the ninth and tenth wards of such city shall have all the powers and duties of the officers of the other wards of such city.

Boundaries
of towns
changed.

§ 6. The boundaries of the towns of Rotterdam and Niskayuna are hereby changed so that the portion of the territory included within the city of Schenectady by this act shall be excluded from such towns, and the balance of each of such towns not included hereby within the boundaries of such city shall be

School
districts,
certain,
abolished.

a separate and distinct town. A school district of either of such towns wholly included in the city of Schenectady shall be abolished, and the terms of office of the officers thereof terminated, except that any school district taxes levied and uncollected at the time this act takes effect shall be collected by the same officers and in the same manner as if this act had not been passed, and when so collected shall be paid to the treasurer of the city of Schenectady, and be by him applied to the purposes for which they were levied. The boundaries of any school district partly included in the city of Schenectady by this act, are hereby changed, so that the portion thereof included in such city shall be excluded from such school district; and the balance of such school district not included hereby within the boundaries of such city shall be a separate and distinct school district until changed in pursuance of law. All the property of the towns of Rotterdam and Niskayuna and of any school district thereof located in the territory hereby included in and constituted a part of the city of Schenectady shall become the property of the city of Schenectady. The change in the boundaries of the towns of Rotterdam and Niskayuna, or of any school district therein not wholly embraced within the territory included hereby in the city of Schenectady, shall not be deemed to change the term of any town or school district officer, but no officer of either of such towns or school districts shall have any jurisdiction over any part of the territory included within the city of Schenectady, except that town or school district taxes levied on persons or property in such territory and remaining uncollected at the time this act takes effect may be collected by the same officers and in the same manner as if this act had not been passed.

Boundaries
of school
districts
changed.

§ 7. All debts, dues and obligations of any school district wholly included in the city of Schenectady by this act, whether bonded or otherwise, are hereby declared to be a charge upon and shall be payable by the city of Schenectady as the same shall become due and payable. The city of Schenectady shall be liable for its proportionate share of the indebtedness, bonded or otherwise, of any town or school district partly included hereby within such city, and for which taxes have not been levied at the time this act takes effect. Such share shall bear the same ratio to the whole debt of such town or school district as the assessed valuation of the portion of such town or school district hereby included in the city of Schenectady bears to the entire assessed valuation of such town or school district, according to the last assessment roll made before this act takes effect. Within thirty days after this act takes effect the mayor of the city of Schenectady and the supervisor of such town or the trustee or trustees of such school district, as the case may be, shall meet and ascertain the proportionate shares of the city and of the town or school district on the above basis; and shall make a certificate, in duplicate, showing the same, which shall be filed with the treasurer of such city and the clerk of such town or school district. Thereafter there shall be raised in the city of Schenectady a sum sufficient to pay the city's proportion as the same becomes due and payable; which shall be paid over to the proper officer of such town or school district to be by him applied in the payment of such indebtedness.

Obligations
of school
districts
declared a
charge
upon the
city.

Certificate
of appor-
tionment,
where filed

§ 4. Section one of title two of said act, as amended by chapter one hundred and eighty of the laws of eighteen hundred and ninety-seven and chapter three hundred and ninety-three of the laws of nineteen hundred and one, is hereby amended to read as follows:

§1. The officers of said city shall be one mayor, one recorder, one treasurer, one city judge, one police justice, three assessors, three commissioners of police, and for each ward, one supervisor, two aldermen, one constable; all of whom shall be chosen, by ballot, by the electors of said city who are qualified to vote therefor; four water commissioners, exclusive of the mayor, who shall be a water commissioner ex officio, six members of the board of health, who shall be appointed in the manner and at the time and for the term now prescribed by law; a city attor-

Elective
officers.

Appointive
officers.

ney, a city clerk, a city marshal who shall be the janitor of the city hall, a city physician, a city printer, four fire commissioners, exclusive of the mayor, who shall be a fire commissioner ex officio, a chief engineer, and two assistant engineers, a city surveyor, a superintendent of streets, a superintendent of sewers, an overseer of the poor, a sealer of weights and measures, a board of magistrates, to consist of the police justice and two aldermen, a city measurer, a pound master, a fence viewer; all of whom except the fire commissioners shall be appointed by the common council on the first Tuesday of January in each year by a majority vote, and by ballot, unless the common council shall by the unanimous vote of those present, otherwise order; thirty commissioners of deeds who shall be appointed by the common council at the time, in the mode, and for the term now provided by law; and ten commissioners of common schools who shall be appointed by the mayor. The common council may also appoint so many fire marshals, lamp lighters, firemen, laborers and servants as they shall, from time to time, determine to be necessary.

§ 5. Section two of title two of said act, as amended by chapter one hundred and eighty of the laws of eighteen hundred and ninety-seven, and chapter three hundred and ninety-three of the laws of nineteen hundred and one, is hereby amended to read as follows:

Terms of
office.

§ 2. The term of office of the superintendent of streets, superintendent of sewers, constables, city attorney, city clerk, city physician, city printer, city surveyor, city marshal, chief engineer and assistant engineers, overseer of the poor, sealer of weights and measures, board of magistrates, city measurer, pound master and fence viewer, shall be one year; of the mayor, treasurer, commissioners of police, fire commissioners, water commissioners, except as provided by chapter three hundred and thirty of the laws of eighteen hundred and eighty-three, as amended, commissioners of common schools and aldermen, two years; of the city judge, assessors, members of the board of health, three years; of the recorder and police justice, four years. The term of office of the mayor, recorder, city judge, aldermen, assessors and of the other officers named in the preceding section, shall commence with the first day of January succeeding their election; except that the term

of office of the supervisors shall commence with the second Tuesday of April; that of the commissioners of common schools with the first day of March; that of the appointive water commissioners, with the second Tuesday of January; and that of the appointive fire commissioners, with the first day of March; that of the commissioners of police on the first Monday of January; all officers, laborers and servants appointed by the common council, whose terms of office is not fixed by this section, shall hold their offices during the pleasure of the common council. All officers of said city in office when this act takes effect shall hold their office until the expiration of the terms for which they were respectively chosen, and until their successors are chosen, have qualified and assumed the duties of their offices, except as provided in section five of this title.

Terms of
present
officers.

§ 6. This act shall take effect immediately.

Chap. 205.

AN ACT to amend the forest, fish and game law, in relation to the taking of deer in the counties of Ulster, Greene, Delaware, Sullivan and Putnam.

Became a law, March 21, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 3. Deer; close season; special.—There shall be no open season for wild deer in the counties of Ulster, Greene, Delaware and Putnam before September first, nineteen hundred and seven. The close season for wild deer in the county of Sullivan shall be from November sixteenth to October thirty-first, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 206.

AN ACT in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries.

Became a law, March 21, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town boards may provide soldiers' plot in cemeteries.

Section 1. The town board in each of the towns of this state may upon the application in writing of any veteran soldiers' association in the town, or upon a petition in writing of five or more veteran soldiers in towns where no veteran soldiers' organization exists, purchase or provide a soldiers' plot in one or more cemeteries where no burial plots are now owned by soldiers' organizations, in which burial plots deceased soldiers may be interred, and may also provide for the annual care of soldiers' burial plots in cemeteries, at the rate of not to exceed fifty cents for each soldier's grave in such burial plot or plots and the expense shall be included in the town expenses, assessed, levied and collected in the same manner as other town expenses are levied and collected.

Proceedings for removal and reinterment of remains of deceased soldiers.

§ 2. Upon a verified petition presented to a judge of a court of record by any soldiers' organization in any town in this state by a majority of its officers, or a majority of any memorial committee in any town where there are two or more veteran soldiers' organizations, or in towns where there are no veteran soldier organization, may upon the petition of five or more veteran soldiers, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him at a time and place within the county in not less than fourteen nor more than twenty days from the date of the presentation of said petition, why the remains of any deceased soldiers buried in potter's field, or in any neglected or abandoned cemeteries

should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or in a town adjoining the town in which the remains of a deceased soldier is buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks.

Publication
of order.

The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran soldier organization, or a majority of a memorial committee in towns where two or more veteran soldier organizations exist, or that the petitioners are honorably discharged veteran soldiers in towns where no veteran soldier organization exists, and (1) the name of the deceased soldier or soldiers whose remains are sought to be removed, and if known the company and regiment in which he or they served; (2) the name and location of the cemetery in which he is interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal.

Contents
of petition.

Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no reason or objection is made thereto, he shall make an order directing the removal of the remains of said deceased soldier or soldiers to the cemetery designated in the petition within the town or within a town adjoining the one in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment shall be a charge upon the town from which the removal is made and such expenses shall be audited by the town board and included in the tax levy of the town and paid the same as other town charges, and on and after the removal and reinterment of the remains of the deceased soldier or soldiers

Order.

in a soldiers' plot, the expenses for annual care of the grave in the soldiers' burial plot to which the removal is made shall be annually provided by the town in which the remains were originally buried, at the rate of not to exceed fifty cents per grave and shall be paid annually to the incorporated cemetery

Expenses of
removal to
be a charge
upon the
town, etc.,
and to be
included in
tax levy.

Expenses
for annual
care.

Petition
and order,
where filed.

association to which the remains of each deceased soldier may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased soldier were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased soldier or soldiers, or the officer of any cemetery association in which the remains of the deceased soldier or soldiers were originally interred, or the authorities of the town in which the soldier or soldiers was originally buried may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased soldier shall be removed and reset at the grave in the cemetery to which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of such removals and reinterment and resetting of the headstone or monument. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office of the proper county. The word "soldier" shall be construed to mean an honorably discharged soldier, sailor or marine who served in the army or navy of the United States, and the words "soldiers' plot" shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veteran soldiers of the United States.

Removal
and reset-
ting of
headstones.

Report.

§ 3. This act shall take effect immediately.

Chap. 207.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego," and the acts amendatory thereof.

Passed without the acceptance of the city.

Became a law, March 22, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of said act is hereby amended to read as follows: Charter amended.

§ 1. The district of country in the county of Oswego and state of New York, contained within the boundaries hereinafter described, shall be a city by the name of "Oswego" and the citizens of this state, from time to time, inhabitants within the said boundaries shall continue to be a body politic and corporate by the name of "the city of Oswego", and in that name may sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase any real or personal property and hold, own, utilize, enlarge, improve, extend, lease, sell and convey, all and singular, such real or personal property or estate, right, power, privileges, easements, hereditaments and franchises as it may receive as aforesaid, and use, improve, maintain, enlarge, extend and operate the same in such mode and manner and by such means and appliances and agencies as the purposes, objects, conveniences, advantages, pecuniary benefits, comfort and necessities of the corporation or its said citizens and inhabitants may require and for other purposes not contrary to law. All the real estate and personal property now owned or possessed by or held in the name of "the city of Oswego", or in trust for the mayor and common council of the city of Oswego, are hereby vested in "the city of Oswego", with power to hold or convey the same as the purposes of said corporation may require. The said corporation shall also have the powers and privileges conferred by the general statutes of this state upon municipal corporations, as well as those conferred by this act. Corporate name and powers.

§ 2. Section four of said act is hereby amended to read as follows:

Elective
and
appointive
officers.

§ 4. The officers of the city shall be as follows: Elective officers, one mayor, one recorder, two justices of the peace, two constables, four commissioners of fire and police; appointive officers, a city chamberlain, a city clerk, a city attorney, a city engineer, a janitor of the city hall, four commissioners of charity, four commissioners of works, a superintendent of works, four commissioners of free common schools, a harbor-master, four commissioners of water, a superintendent of water, a chief of police, a captain of police and so many additional regular policemen as are hereinafter authorized by this act, a police matron, a janitor of police station, members of the board of health, three assessors, a chief engineer of the fire department, a fire marshal, a keeper of the city almshouse, two poundmasters, a scaler of weights and measures, and so many commissioners of deeds as the common council shall designate according to law; and the following officers for each ward: elective officers: one alderman and one supervisor; and appointive officers: such election officers as are prescribed by the general election law.

Ward
officers.

§ 3. Section five of said act is hereby amended to read as follows:

Eligibility
to office.

§ 5. No person shall be eligible to hold, or be elected or appointed to any office in and for the city of Oswego, except the office of keeper of the city almshouse and police matron, or in or for any ward or district of said city, unless he or she shall be at the time an elector and a resident of the said city, ward or district. No person shall be eligible to be elected to or voted for or appointed to the office of mayor, recorder, commissioners of free common schools, commissioners of fire and police, commissioners of charity, commissioners of works, commissioners of water, superintendent of water, members of the board of health, members of the department of assessments, members of the board of aldermen, or supervisors, unless at the time of his nomination for or his appointment to such office, he shall have been assessed upon the last preceding assessment rolls of said city for real or personal property belonging to him in his own name and right, in fee simple, to the amount of at least two hundred and fifty dollars; or is the husband of a woman who is the owner of real or personal property belong-

ing to her in her own name and right in fee simple to the amount of at least two hundred and fifty dollars and for which she was assessed upon the last preceding assessment rolls of said city; and whenever any officer shall cease to be a resident of said city or ward or district for which he or she was elected or appointed, the office shall thereby become vacant. Creation of vacancy.

§ 4. Section thirty-nine of said act is hereby amended by adding thereto subdivision forty-five which shall read as follows:

45. Concerning the water supply of the city and the protection and safety of the water plant, machinery and appurtenances belonging thereto and pipes and hydrants and any and all other appliances belonging thereto or connected therewith. Water supply.

§ 5. Section sixty-three of said act is hereby amended to read as follows:

§ 63. The mayor shall have the power to remove for cause any one appointed to office by him, after an opportunity has been given to said appointee to be heard. Cause for removal is hereby defined to be, among other things, disobedience of lawful orders or instructions, incapacity, incompetency, corruption in office, neglect of duty, intemperance, conviction of crime, and anything prejudicial to the best interests of the city or any or either board or department thereof. Provided, however, that upon conviction of the cause or causes charged, the accused shall have the right to appeal to the supreme court of the state of New York from such conviction or judgment of conviction, both on the law and facts, or either, or may review such conviction or judgment of conviction, by writ of certiorari issued out of said supreme court, and whichever remedy of appeal or review may be adopted by the said accused, the proceedings in either case, shall be governed to final completion in all things by the rules and practice of said supreme court. Power of removal by mayor.

§ 6. Section one hundred and nineteen of said act is hereby amended to read as follows:

§ 119. There shall be the following departments: Departments.

1. Department of works.
2. Department of education.
3. Department of fire and police.
4. Department of charity.
5. Department of assessments.
6. Department of water.

Section
repealed.

§ 7. Section one hundred and ninety-one of said act is hereby repealed.

§ 8. Section two hundred and sixty of said act is hereby amended by adding thereto after subdivision eight subdivisions eight-a and eight-b, which shall read as follows:

Water
fund.

8-a. **Water fund.**—Such sum as the department of water shall certify to be necessary for its expenses, not exceeding twelve thousand dollars; and such further sum as shall be necessary to defray and pay any principal and interest due within the year, upon any outstanding bonds that may be, or may have been issued, for the purchase of any water plant, rights or privileges connected therewith.

Assess-
ment.

8-b. It shall be the duty of the common council during the month of November in each year to certify to the board of supervisors of the county of Oswego a sum, not less than fifteen thousand dollars, to be assessed against the real and personal property in the city of Oswego by the said board of supervisors, in the county assessment rolls of that year, to be credited to the water fund. It shall be the duty of the said board of supervisors to assess and levy on said rolls the sum so certified, and in the warrants attached to said rolls to direct the city chamberlain to retain in his hands as such city chamberlain for the use of the city of Oswego as aforesaid, from the moneys collected by him upon said rolls, the said sum so assessed against the real and personal property in said city. Said sum shall be so retained and applied by him on or before the first day of February in each year. The sum so to be retained and applied by the city chamberlain, shall not be subject to any deductions by reason of the failure to collect the whole amount levied and assessed upon said assessment rolls.

Applica-
tion of
money.

§ 9. Section two hundred and seventy-four of said act is hereby amended to read as follows:

Credits to
depart-
ments
in anticipa-
tion of rolls.

§ 274. On the first day of January in each year, in anticipation of the receipt of taxes from said county assessment rolls, the city chamberlain shall credit to each department as follows: Department of works, four thousand dollars, of which two thousand five hundred dollars shall be credited to the highway fund, and one thousand five hundred dollars to the public light fund; department of education, six thousand dollars; department of fire and police, for fire protection fund, three thousand

dollars, and for police fund three thousand dollars; department of charity, three thousand dollars; department of water, three thousand dollars; and the balance of said sum named in said warrant to the contingent fund of said city.

§ 10. Said act is hereby amended by adding thereto, after section three hundred and eighty-one, the following title and sections:

TITLE XVI.

DEPARTMENT OF WATER.

§ 382. There shall be four commissioners of water of said city, and they shall constitute the department of water. The following persons, namely: Elliot B. Mott, Frank P. Farrell, Robert G. Post and Anthony Sallidin junior, shall be the first four commissioners of water. The terms of office of said four commissioners shall commence as soon after the passage of this act as they shall have taken and subscribed the oath of office provided by section thirteen of said charter. They shall hold their offices respectively as follows, namely: one until January first, nineteen hundred and five; one until January first, nineteen hundred and six; one until January first, nineteen hundred and seven; and one until January first, nineteen hundred and eight, and until their successors respectively are appointed and shall have duly qualified.

Depart-
ment of
water.

Commis-
sioners of
water.

Terms of
office.

§ 383. Within thirty days after the passage of this act said department shall meet and organize by the selection of a president from among their number, who shall hold office until January first, nineteen hundred and three, and until his successor shall be selected. In January of each year commencing with nineteen hundred and three, said department shall select from their own number a president, who shall hold office for one year and until his successor shall be selected.

Organ-
ization.

President.

§ 384. Said first named commissioners shall immediately after their organization determine by ballots marked "three," "four," "five," and "six," to be drawn by them, their respective terms of office. The term of office of commissioner drawing the ballot marked "three," shall expire December thirty-first, nineteen hundred and four; the term of office of the commissioner drawing the ballot marked "four," shall expire December thirty-first, nineteen hundred and five; the term of office

Expiration
of terms of
office.

of the commissioner drawing the ballot marked "five," shall expire December thirty-first, nineteen hundred and six; and the term of office of the commissioner drawing the ballot marked "six," shall expire December thirty-first, nineteen hundred and seven. The president shall enter the result of such determination upon the records of the department, and shall certify the same to the city clerk.

Vacancies.

§ 385. On the first day of January in each year, commencing with nineteen hundred and five, one commissioner of water shall be appointed by the mayor for the term of four years from the first day of January of the year of his appointment. A vacancy in the office of commissioner of water, shall be filled by appointment by the mayor for the unexpired term. No appointment whether for a full term or to fill a vacancy shall be so made, whereby more than two commissioners shall belong to the same political party.

Rooms.

§ 386. The common council shall provide proper and sufficient rooms and accommodations for the department, and failing so to do, the said department may provide and procure such rooms and accommodations, as in its judgment may be necessary; the expense thereof shall be a city charge and defrayed out of the contingent fund of the city.

Annual meeting.

§ 387. The annual meeting of said department shall be held on the second secular day of January in each year. The department shall also meet for the transaction of business as often as once a month, and may adjourn for any shorter time.

Special meetings.

Special meetings shall be called as often as necessary by the president, with the written concurrence of two members of the department, or, in his absence or inability to act, with the like concurrence of any three members of the department, by causing a written or printed notice of such meeting, signed with the names of the members calling the same, to be given personally to each member of the department or left at his last place of residence, at least twenty-four hours before the hour of such special meeting. Such notice shall specify the object of such special meeting, the action of which shall be limited to the object so specified. In case of an actual emergency, a special meeting may be called by the president of the department to meet without delay. By common consent of all the commissioners, a special meeting of the department may be had at

any time and for any purpose. A majority of the commissioners shall constitute a quorum, but in case a quorum shall not be present two commissioners may adjourn any meeting. Quorum.

§ 388. Said department shall employ a superintendent at a salary to be fixed by the department, not exceeding eighteen hundred dollars per year, who shall act as the secretary of the department without extra compensation, and one clerk at a salary to be fixed by the department, not exceeding eight hundred dollars per year, each of whom shall hold office during the pleasure of the department. The clerk shall perform such duties as may be required of him by said department. Said superintendent and clerk shall be residents of the city of Oswego. Superintendent of department.

§ 389. The superintendent shall, under the general direction of the department, have the general management and superintendence of the property under the care and control of the department, and the entire work carried on by the department, and perform such other duties as it may prescribe. Duties of superintendent.

§ 390. The department shall keep regular and full books of account of all its transactions and proceedings, and an accurate record of each fund subject to its warrants, showing at all times the amount of warrants drawn against each fund separately and the balance thereof unexpended; it shall, before the water rates hereinafter provided for shall become due, prepare and deliver to the city chamberlain a list, giving the names of persons and corporations receiving water, with the amounts due from them, together with a brief description of the property against which the water is a charge, giving street and street number when possible, and such other description as the department may deem necessary, and at the same time prepare and furnish to the persons liable to pay the same, water bills to correspond with such lists, which bills or duplicates thereof furnished by said department, shall be presented to the chamberlain to be receipted by him when said bills are paid. The chamberlain shall on the twentieth day after such bills shall become due, deliver to the department a list of all water rates then unpaid. Books and accounts.

§ 391. All water rates shall be paid directly to the city chamberlain by the persons owing the same. All other income from the property under the control of the department and all other Water rates, to whom paid.

moneys due the city under contracts with the department, shall be paid to the department.

Delivery of
moneys.

§ 392. On the first secular day of each month the department shall deliver to the city chamberlain all of the moneys it shall have received during the then preceding month, together with a report in detail showing when, from whom, and for what such moneys shall have been received.

§ 393. Said department shall have the following powers and be subject to the following restrictions and duties, namely:

Powers of
depart-
ment.

1. It shall have the exclusive custody, management, and control of all of the property purchased or to be purchased by the city of Oswego from the Oswego water works company, including the lands, tenements, water rights and powers and privileges, reservoirs, mains, pipes, and all other property real and personal and also of all other property real and personal, that may hereafter be acquired by the city of Oswego for the purpose of the supply of water. It shall, however, continue to be the duty of the department of fire and police to remove the snow and ice from and around the fire hydrants.

Purchase of
lands, etc.

2. It shall have the right and it shall be its duty, to purchase and acquire in the name of the city of Oswego and in the manner hereinafter provided, all lands, tenements, hereditaments, rights, and privileges, whatever, situate at any place in the county of Oswego, which may be necessary for the purpose of a supply of water.

Procure
labor and
purchase
materials.

3. It shall have the power and it shall be its duty, to procure and provide all labor and purchase all materials that may be necessary for the proper maintenance and extension of all the property purchased from said company, or otherwise acquired.

Furnish
water.

4. It shall be its duty so far as practicable, to furnish for the city of Oswego and the inhabitants thereof and others, at all times a sufficient supply of good and wholesome water.

Fix rates.

5. It shall fix the rates to be paid for water, and such rates shall be payable as often as semi-annually (and as much oftener as the department may provide), and shall be payable in advance except as hereinafter provided.

Metered
rates, when
payable.

6. Rates for water that may be metered, shall be paid for as often as monthly or as much oftener as the department shall require, except as hereinafter provided.

7. Water furnished to the United States, the state of New York, the county of Oswego, and such railroad companies as the department shall consider solvent, shall be payable at such times as the department shall provide. Water furnished to solvent parties when payable.

8. It shall shut off the water of any service whose water rates shall remain unpaid for twenty days, excepting water furnished to the United States, the state of New York, the county of Oswego and such railroad companies as the department shall consider solvent. A reasonable uniform fee, to be fixed by the department, shall be charged and collected, for turning on water after the same has been so shut off. Water, shut off, for unpaid rates.

9. The department may adopt such uniform rebates as to takers of water and the use thereof for an unexpired term as in its judgment may be for the best interests of the city of Oswego and the department, and draw warrants for such rebates, and such warrants therefor shall be paid by the city chamberlain. Rebates.

10. The department by its officers, agents or employees, is hereby authorized to enter, between the hours of eight o'clock in the morning and five o'clock in the afternoon, any premises or building, public or private, for the purpose of making an inspection of the water supply, or for the purpose of ascertaining the manner in which it is used, and in case the owner or occupant of the same shall refuse to permit such entry or inspection the department may shut off the water therefrom. Inspection

11. It shall among other records keep a register of the names of all persons and corporations furnished with water, together with the rates charged therefor, and such register shall be so kept that it shall be easily understood by, and be easily accessible during office hours to the public. Records.

12. It shall from time to time recommend to the common council such ordinances for enactment as it may deem necessary for the protection of the water and the sources thereof from pollution, and for the preservation and protection and management of the works and property, and the use and control of the water supplied, and which after publication for two weeks twice in each week in the official city papers, shall have the same force and effect and may be enforced in the same manner as an ordinance enacted by the common council of said city. Recommendations to common council

Rules.

13. It shall also have the power to make such rules as it may deem proper, to regulate the introduction of water and the size and kind and material of all water services, and for the use and control of the water supplied.

City engineer.

§ 394. The said department may require the services of the city engineer in all matters pertaining to said department requiring the services of a civil engineer and surveyor, and it shall be the duty of the city engineer to perform such services when so required.

Terms of contract.

§ 395. It shall not be lawful for the department of water to make, execute or enter into any contract, express or implied, agreement or lease, with any party or parties for any purpose, where the terms of such contract, agreement or lease, may or shall extend beyond the period of five years from and after the making or execution of such contract, agreement or lease.

Water mains, tapping of, prohibited.

§ 396. No person, except under the direction of the department, shall tap a water main or pipe belonging to said city, and no person without a written permit from the department, shall make any connection with, addition, alteration or extension to or of any water main or pipe belonging to the city or connected with the city water mains or pipes. A violation of this section is hereby declared to be a misdemeanor.

Penalty.**Extension of tap prohibited.**

§ 397. No person shall make any addition, alteration or extension of any tap, pipe, cock, or other fixture connected with the water mains or pipes supplying water to consumers from said department of water, except by a person who shall have obtained a certificate of competency from the examining board of plumbers in the city of Oswego, and who shall have executed a bond to the city of Oswego in the penal sum of one thousand dollars, with such conditions as shall be prescribed by the department. A violation of this section is hereby declared to be a misdemeanor.

Penalty.**Claims, how paid.**

§ 398. The department of water shall pay all claims and demands duly audited by it, only by warrants on the city chamberlain against funds in his hands subject to the drafts of such department, signed by its president and countersigned by its secretary. In case of absence, death or inability of the secretary to countersign said warrants, then said warrants shall be countersigned by at least one of the members of said depart-

ment. Every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon.

§ 399. The city chamberlain shall, during the period from the time of the passage of this act until the first day of August, nineteen hundred and three, pay from the water rates that may come to his hands, all such warrants of the department as may be drawn upon him, not exceeding in all the sum of fourteen thousand dollars. On or before the first day of May in each year, commencing with the year nineteen hundred and three, the department shall make and certify to the common council an estimate of the necessary amount, not more than twelve thousand dollars, to be raised for the current year to be disbursed for the benefit of the city under the supervision of such department for all purposes, excepting such extensions of or additions to the mains as require the approval of the common council. . The common council shall in each year, commencing with the year nineteen hundred and three, direct and cause to be placed to the credit of the department the amount so certified, and until such amount is so raised and placed to the credit of the department, the city chamberlain shall in each fiscal year pay from the water rates in his hands or from the contingent fund, all warrants drawn upon him by the department under the provisions of this act, not exceeding in all the sum of four thousand dollars.

City chamberlain, shall pay warrants, etc.

Estimate of necessary amount to be raised.

§ 400. Whenever the department shall deem it for the interest of the city so to do, it may extend or enlarge the water mains in any part of the city, provided the aggregate length of such extension made within any three months shall not exceed six hundred feet, and it may further extend or enlarge such mains in any part of the city, provided it shall first certify to the common council its determination so to do, together with a description of the extension or enlargement, and the estimated cost thereof, and provided the common council shall approve of such extension or enlargement, but the total amount to be so expended upon such approval of the common council in any one year, shall not exceed the sum of five thousand dollars. In case of such certification and approval, the common council shall cause the estimated cost of such extension or enlargement to be included in the next general city tax levy of taxes, and to place the amount thereof to the credit of the department.

Extension and enlargement of water mains.

Right to use
highways.

§ 401. The said department of water in behalf of the city of Oswego and all persons acting under its authority, shall have the right to use the ground or soil of any street, highway or road within the county of Oswego, for the purpose of laying mains and making extensions and erecting and maintaining poles, and maintaining and introducing water into and through any portion of the city of Oswego or adjoining towns, on condition that they shall cause the surface of said street, highway or road to be relaid and restored to its usual state, and all damage done thereto to be repaired to the satisfaction of the superintendent of works of said city or the commissioner of highways of the town.

Authority
to acquire
real prop-
erty.

§ 402. The department may acquire in the name of the city of Oswego, the title to any and all real property that, at the time of the passage of this act, the Oswego water works company may have the right to purchase under any written agreement then held by such company which may be sold and assigned by said company to the city of Oswego, providing the cost thereof shall not exceed the sum of two thousand five hundred dollars. And in case the department shall determine to so acquire any such real property, it shall certify the fact to the common council, and the amount of such purchase money shall be added to the amount which the common council is required and authorized to raise by other provisions of the charter, and shall be added to and made a part of the then next levy of general taxes, and the mayor shall be authorized and is hereby required to borrow upon his note as such mayor, such sum until such tax shall be collected, and the amount so borrowed shall at once be placed to the credit of the department.

Amount of
purchase
money to be
made a part
of tax levy.

Mayor au-
thorized to
borrow
money.

Authority
to make
surveys.

§ 403. The said department of water is hereby authorized to enter in and upon any land or water for the purpose of making surveys, and, subject to the restrictions contained in this act and the act hereby amended, to agree with the owner of the property, real or personal, which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner. In case of disagreement between the department of water and the owner of any property which may be required for said purposes, or affected by the operations connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or

insane, or absent from the state, or unknown, or the owner of a contingent or uncertain interest, then proceedings shall be conducted upon the recommendation of the department of water approved by resolution of the common council for the taking of any property which may be required by the said department, and the city attorney of the city of Oswego shall institute and conduct such proceedings in the name of the city of Oswego in the manner prescribed by title one of chapter twenty-three of the code of civil procedure.

Condemnation proceedings.

§ 404. The department is expressly prohibited from purchasing or contracting for, or paying for any materials or supplies except as herein specifically set forth. Whenever any materials or supplies, the cost of which shall amount to or exceed the sum of three hundred dollars, are required for the use or benefit of the department, a detailed statement of such requirements shall first be presented to the department at a regular meeting thereof, signed by the superintendent or by the committee or member of the department having knowledge of such requirement or requirements. If, in the opinion of the department as evidenced by its vote at such meeting, the said materials or supplies are necessary and proper, then a copy of the said detailed statement of materials or supplies, shall thereupon be made and given by the secretary of the department to at least three responsible persons, companies, or corporations qualified to bid upon the same, and to as many more responsible and qualified persons as shall request a copy thereof, requesting written bids upon such materials or supplies, and a brief notice requesting bids upon the same, to be set forth more fully in specifications to be had upon application to the secretary of the department, shall be published by the secretary for at least five consecutive days in each of the two official city papers of the city. The same rule shall apply to all purchases of materials or supplies the cost of which shall be under three hundred dollars, when in the judgment of the department it shall be practicable. The lowest responsible bid or bids for any such materials or supplies, shall be accepted by the department at a regular or special meeting, and a contract or contracts thereunder be executed, or written orders therefor be given by direction of said department; provided, however, that the department may reject any or all bids.

Materials and supplies, prohibition for purchasing, etc.

Publication of notice for proposals.

Lowest bid shall be accepted.

Bids shall
be accom-
panied by a
bond.

§ 405. Whenever the department shall invite bids for any materials, labor or supplies required by it, it may specify and require that all bids therefor shall be accompanied by a bond to the city of Oswego, with surety approved by the department, conditioned that in case such bid be accepted and contract thereon awarded, such contract shall be faithfully performed by the party or parties making such bid.

Action
maintain-
able.

§ 406. Said department may commence and maintain an action, in the name of the city of Oswego, in any court of record, for the recovery of the penalty for the breach of any condition of any bond.

Annual
report.

§ 407. The department in addition to and as a part of the annual report required by section one hundred and twenty-three of the act hereby amended, shall give an account of all its receipts of every name and nature in detail, and also a statement of the amounts received by the chamberlain for the year for water rates, and also showing the water rates due and unpaid, a list of its expenses in numerical order stating the amount and to whom paid, and an inventory of all the property in its care, whether real or personal, and of every name and nature, which report shall be verified by the superintendent or in case of his absence or disability, by such other officer having knowledge of the matters and facts set forth in said report.

Inventory.

Employees.

§ 408. The employees of the Oswego water works company at the time this act takes effect, shall be and remain the employees of the department of water to serve during the pleasure of the department.

§ 11. This act shall take effect immediately.

Chap. 208.

AN ACT to amend the religious corporations law in respect to the sale or mortgage of real property.

Became a law, March 22, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of article one of chapter seven hundred and twenty-three of the laws of eighteen hundred and

ninety-five, entitled "An act in relation to religious corporations" constituting chapter forty-two of the general laws, and known as the religious corporations law, as amended by chapter three hundred and thirty-six of the laws of eighteen hundred and ninety-six, and by chapter five hundred and twenty-one of the laws of nineteen hundred, and by chapter two hundred and twenty-two of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

§ 11. Sale, mortgage and lease of real property of religious corporations.—A religious corporation shall not sell, or mortgage any of its real property without applying for and obtaining leave of the court therefor pursuant to the provisions of the code of civil procedure. The trustees of an incorporated Protestant Episcopal church shall not vote upon any resolution or proposition for the sale, mortgage or lease of its real property unless the rector of such church, if it then has a rector, shall be present, and shall not make application to the court for leave to sell or mortgage any of its real property without the consent of the bishop and standing committee of the diocese to which such church belongs; but in case the see be vacant, or the bishop be absent or unable to act, the consent of the standing committee with their certificate of the vacancy of the see or of the absence or disability of the bishop shall suffice. The trustees of an incorporated Roman Catholic church shall not make application to the court for leave to mortgage, lease or sell any of its real property without the consent of the archbishop or bishop of the diocese to which such church belongs or in case of their absence or inability to act, without the consent of the vicar-general or administrator of such diocese. The petition of the trustees of an incorporated Protestant Episcopal church or Roman Catholic church shall, in addition to the matters required by the code of civil procedure to be set forth therein, set forth that this section has also been complied with. But lots, plats or burial permits in a cemetery owned by a religious corporation may be sold without applying for or obtaining leave of the court. No cemetery lands of a religious corporation shall be mortgaged while used for cemetery purposes.

§ 2. This act shall take effect immediately.

Chap. 209.

AN ACT to amend the railroad law, in relation to extensions of time to construct road.

Became a law, March 25, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-nine of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," as amended by chapter six hundred and seventy-six of the laws of eighteen hundred and ninety-two, and chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

§ 99. Within what time road to be built.—In case any such corporation shall not commence the construction of its road, or of any extension or branch thereof, within one year after the consent of the local authorities and property owners or the determination of the appellate division of the supreme court as herein required, shall have been given or renewed, and shall not complete the same within three years after such consents, or determination shall have been obtained, its rights, privileges and franchises in respect of such railroad or extension or branch, as the case may be, may be forfeited. If the performance of any act required by the railroad law or any prior acts within the times therein prescribed, is hindered, delayed or prevented by legal proceedings in any court, such court may also extend such time for such period as the court shall deem proper or if the performance of any act required by said article within the times therein prescribed is hindered, delayed or prevented by works of public improvement, or from any other or different cause, not within the control of the corporation upon which such requirement is imposed, the time for the performance of such act is hereby and shall be deemed to be extended for the period covered by such hindrance, delay or prevention. The time for compliance with any requirement in this or any former act, by a street surface railroad corporation incorporated for the purpose of constructing a street surface railroad and which has

prior to the passage of this act obtained or shall prior to June thirtieth, nineteen hundred and three obtain such consents or determination is hereby extended until June thirtieth, nineteen hundred and four.

§ 2. This act shall take effect immediately.

Chap. 210.

AN ACT to amend section one hundred and sixty-six of article nine, of chapter two hundred and fifteen, of the laws of nineteen hundred and one, entitled "An act to amend the public health law in relation to the practice of dentistry."

Became a law, March 25, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph four of section one hundred and sixty-six, article nine of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter six hundred and twenty-six of the laws of eighteen hundred and ninety-five, chapter two hundred and ninety-seven of the laws of eighteen hundred and ninety-six, chapter three hundred and fifty-five of the laws of eighteen hundred and ninety-eight and chapter two hundred and fifteen of the laws of nineteen hundred and one, is hereby amended to read as follows:

4. Subsequently to receiving such preliminary education either has been graduated in course with a dental degree from a registered dental school, or else, having been graduated in course from a registered medical school with a degree of doctor of medicine, has pursued thereafter a course of special study of dentistry for at least two years in a registered dental school and received therefrom its degree of doctor of dental surgery, or else holds a diploma or license conferring full right to practice dentistry in some foreign country and granted by some registered authority. Provided that any person who then being a bona fide student of dentistry in this state under private preceptor-

Examina-
tions.

ship was entitled to file on or before the thirty-first day of July eighteen hundred and ninety-five with the secretary of the state dental society a certificate of study under private preceptorship may at any time prior to the first day of January nineteen hundred and four upon sworn proof of such fact file such a certificate with the regents and thereupon be admitted to examination before the board. Any member of the board may inquire of any applicant for examination concerning his qualifications and may take testimony of any one in regard thereto, under oath, which he is hereby empowered to administer.

§ 2. This act shall take effect immediately.

Chap. 211.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Niagara Falls," relating to city elections and the terms of city officers.

Passed without the acceptance of the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Sections six and ten of chapter one hundred and forty-three of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Niagara Falls," as amended by chapter forty-seven of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 6. The municipal year in said city shall begin on the first day of January. The fiscal year in said city shall begin on the first day of December.

Annual
election.

§ 10. The annual election of city officers under this act shall be held in said city in the year nineteen hundred and two and in each year thereafter, on the first Tuesday after the first Monday in November; and the common council shall annually provide polling places, ballot boxes and other necessary apparatus and material in each election district in said city; and the manner of conducting such election shall, except as hereinafter provided in section one hundred and

eighty of this act, in all respects conform to and be governed by the general laws of this state in respect to elections not inconsistent with the provisions hereof. The common council shall cause public notice thereof to be given, specifying the time when and the polling place in each election district where said election shall be held, and the city, ward and district officers to be chosen thereat, by publication once in each week for three successive weeks next preceding each election. One of such papers, in which said notice shall be published, shall be the official paper of said city designated as hereinafter provided.

§ 2. Sections eleven and thirteen of such act are hereby amended to read as follows:

§ 11. At the close of the polls at any such election the inspectors of election in each district shall forthwith canvass the votes for the candidates for the several city officers in each election district in such city, in the same manner as the votes cast for other candidates at such election are canvassed. They shall make a separate statement of the whole number of votes cast for each candidate for a city office and shall file the same in the office of the clerk of the city immediately after the canvass is completed in each district or before nine o'clock in the forenoon on the day following election day. Canvass.
Statement,
where filed.

§ 13. The common council shall convene on the first Monday after a city election, at seven o'clock in the afternoon, at its usual place of meeting for the purpose of recanvassing the votes cast at such election in the election districts in such city, for the several candidates for city offices. The statements of votes filed in the office of the city clerk by the inspectors of election of the election districts in such city shall be produced before such common council by the city clerk. Such common council shall forthwith recanvass the votes cast at such election and shall determine, from such statements, the persons who have been elected by the greatest number of votes to each city office voted for at such election, and shall execute in duplicate a certificate declaring such determination, one of which shall be filed in the office of the city clerk and the other in the office of the county clerk of Niagara county. Common
council to
recanvass
votes, and
file certifi-
cate of
result of
election.

§ 3. Sections fifteen and seventeen of such act as amended by chapter forty-seven of the laws of nineteen hundred and one, are hereby amended to read as follows:

Commence-
ment of
terms.

§ 15. All city officers elected as in this act provided on the first Tuesday of April, in the year nineteen hundred and two shall qualify and enter upon the duties of their respective offices on or before the third Tuesday of April next following their election and enter upon the duties of their respective offices on said date, except justices of the peace whose term of office shall begin as hereinafter provided. All city officers elected as in this act provided on the first Tuesday after the first Monday in November of the year nineteen hundred and two, and on the same day in each year thereafter shall qualify on or before the first day of January next following their election, and shall enter upon the duties of their respective offices on said date. All city officers appointed as in this act provided, shall enter upon the duties of their respective offices on the day next following their appointment. The common council for the year nineteen hundred and two shall meet and organize on the third Tuesday in April at eight o'clock in the afternoon at the place of meeting of such council for the preceding year. The common council for the year nineteen hundred and three and for each year thereafter shall meet and organize on the first Tuesday of January at eight o'clock in the afternoon at the place of meeting of such council for the preceding year.

Organiza-
tion of
common
council.

Expiration
of terms.

§ 17. The terms of the present aldermen in the fifth and sixth wards of said city, and the president of the common council and the two aldermen at large who were elected at the annual election held in the said city in April, nineteen hundred and one, shall expire on the thirty-first day of December, nineteen hundred and two. The mayor, and the aldermen from each of the first, second, third and fourth wards, elected in said city at the annual election to be held in the month of April, nineteen hundred and two, shall hold office until and including the thirty-first day of December, nineteen hundred and four, and the two aldermen at large elected at the election held in the month of April, nineteen hundred and two, shall hold office to and including the thirty-first day of December, nineteen hundred and three. At the annual election to be held in the month of November, nineteen hundred and two, as provided for in this act, there shall be elected an alderman from the fifth and sixth wards of said city whose terms

of office shall expire on the thirty-first day of December, nineteen hundred and four, and a president of the common council President of council. of said city and two aldermen at large, whose terms of office shall expire on the thirty-first day of December, nineteen hundred and three. At the annual election held in said city in the month of November, nineteen hundred and three, as provided for in this act, and in each second year thereafter, there Aldermen. shall be elected a president of the common council and four aldermen at large whose terms of office shall be two years from and including the first day of January succeeding their respective elections. At the annual election to be held in said city under the provisions of this act in the month of November, nineteen hundred and four, and in each second year thereafter, there shall be elected a mayor of said city, and an alderman from each of the wards of said city, whose terms of office shall Mayor. be two years from and including the first day of January succeeding their election. The term of office of the assessor of said city whose term would expire in the month of Assessor's term abridged April, nineteen hundred and four, except for the provisions of this act, shall expire on the thirty-first day of December, nineteen hundred and three, and his successor shall be elected at the annual election held in said city pursuant to this act in the month of November, nineteen hundred and three, for a term of three years from and including the first day of January, nineteen hundred and four; the term of office of the assessor elected in said city, whose term would expire in the month of April, nineteen hundred and three, except for the provisions of this act, shall expire on the thirty-first day of December, nineteen hundred and two, and his successor shall be elected at the annual election held in said city pursuant to this act in the month of November, nineteen hundred and two, for a term of three years, from and including the first day of January, nineteen hundred and three; and the term of office of the assessor elected at the annual election to be held in said city in the month of April, nineteen hundred and two, shall expire on the thirty-first day of December, nineteen hundred and four, and his successor shall be elected at the annual election to be held in said city under the provisions of this act in the month of November, nineteen hundred and four, for a term of three years from and includ-

Police
justice.

ing the first day of January, nineteen hundred and five, and annually thereafter one assessor shall be elected for a term of three years. The term of office of the present police justice of said city shall expire on the thirty-first day of December, nineteen hundred and three, and his successor shall be elected at the annual election to be held in said city pursuant to the provisions of this act in the month of November, nineteen hundred and three, for a term of three years, from and including the first day of January, nineteen hundred and four, and every third year thereafter, a police justice shall be elected for a term of three years. The term of office of the city treasurer of said city to be elected at the annual election of said city held in the month of April, nineteen hundred and two, shall expire on the thirty-first day of December, nineteen hundred and three, and his successor shall be elected at the annual election to be held in said city in the month of November, nineteen hundred and three, as provided for in this act, for a term of two years, from and including the first day of January, nineteen hundred and four, and every second year thereafter, a city treasurer shall be elected for a term of two years. The term of office of the overseer of the poor to be elected in said city at the annual election to be held in the month of April, nineteen hundred and two, shall expire on the thirty-first day of December, nineteen hundred and two, and his successor shall be elected at the annual election to be held in the month of November, nineteen hundred and two, as provided for in this act, for a term of one year, and annually thereafter, an overseer of the poor shall be elected for a term of one year. The terms of office of the four constables to be elected in said city at the annual election to be held in the month of April, nineteen hundred and two, shall expire on the thirty-first day of December, nineteen hundred and two, and their successors shall be elected at the annual election to be held in said city in the month of November, nineteen hundred and two, as provided for in this act, for terms of one year, and annually thereafter four constables shall be elected for terms of one year. The supervisors elected in said city at the annual election to be held in the month of April, nineteen hundred and two, shall hold office to and including the thirty-first day of December, nineteen hundred and two, and their successors shall be elected

City
treasurer.

Overseer of
the poor.

Constables.

Supervisors.

at the annual election to be held in said city in the month of November, nineteen hundred and two, as provided for in this act, for a term of two years, and every second year thereafter a supervisor shall be elected from each ward of said city for a term of two years.

§ 4. Section twenty-four of such act is hereby amended to read as follows:

§ 24. A vacancy in the office of mayor shall be filled by the common council, and in any other elective office, by the mayor until the first day of January following the next annual election, at which election the unexpired residue, if any, of the term of such office shall be filled by some person to be elected thereto, according to the provisions of this act. Vacancy.
how filled.

§ 5. Section thirty of such act, as amended by chapter forty-seven of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 30. The president of the common council and aldermen of the several wards and aldermen-at-large of the said city shall constitute the common council thereof. The common council shall meet on the first Tuesday in January after the election in each year at the regular place of meeting of the common council for the previous year, and thereafter shall meet at such places and times as it may from time to time designate. Common
council.

§ 6. Section fifty-four of such act is hereby amended to read as follows:

§ 54. At the first regular meeting of the common council subsequent to the first day of January after each annual election, or at some subsequent meeting, and as soon thereafter as may be, it shall direct the clerk to advertise for proposals in such manner as the council shall direct, not less than three days, for printing the proceedings of the common council and furnishing printed copies of the same, and publishing all ordinances, notices and other matters required by law, or by the council for the period of one year in a daily newspaper published in said city, with a bona fide paid circulation of not less than seven hundred copies per day, or if there be no such daily newspaper published in said city, then in a weekly newspaper published in said city with a bona fide paid circulation of not less than seven hundred copies per week. Every bid shall be in writing and accompanied by a written guaranty, signed by a responsible Proposals
for printing
proceed-
ings,
notices, etc.

Bids, how
executed.

Acceptance
and con-
tract.

Official
paper.

Proceed-
ings, etc.,
published
by posting.

Provisions
when
official
papers
cease to
publish.

person or persons to the effect that the bidder will enter into such contract if awarded to him, them or it. Such bids and guaranty shall be inclosed in a sealed envelope, and be delivered to the clerk at or before the time designated in the advertisement for opening such proposals. All such bids shall be opened in the presence of the common council. The common council shall have the right to accept the lowest bid to do such printing, publishing and work, and furnishing such materials, or to reject all such bids. The person or persons or corporation whose bid shall be accepted shall enter into a written contract in accordance therewith, and shall furnish such security for the faithful performance thereof as shall be satisfactory to the common council. In case the common council reject all bids they may advertise for further proposals, and continue to do so until some bid is accepted. Upon the acceptance of any bid and the execution of a contract in accordance therewith, as above provided, the said newspaper in which it is agreed to publish such proceedings, ordinances and notices, and other matters required by law, shall thereupon become and be the official paper of said city for the period of one year, and to continue thereafter as such until another be designated as aforesaid. When a newspaper shall be so designated, the publication of all such matters as shall have been commenced in the paper that shall be superseded by such designation shall continue to be published in the paper so superseded until completed, notwithstanding such change, with the same force and effect as if no change had been made. In case no newspaper shall be so designated, or for any other cause there shall at any time be no official paper of said city, all proceedings, ordinances, notices or other matters required by law to be published in the official paper of said city, shall be published by posting up in a conspicuous place in each ward of said city a written or printed copy thereof, for the same number of days that they are required to be published in the official paper, and such publication shall have the same force and effect, and be in all respects as valid as if they had been duly published in the official paper. In case any paper designated as the official paper shall, during the term for which it has been designated as the official paper cease to publish the common council shall have the power to designate another paper as the official paper, in accordance with the foregoing provisions.

§ 7. Section fifty-five of such act as amended by chapter forty-seven of the laws of nineteen hundred and one is hereby amended to read as follows:

§ 55. It shall be the duty of the mayor to take care that within said city the laws of the state and the ordinances and by-laws passed by the common council and the board of health be faithfully executed, and to arrest or cause the arrest and prosecution of all persons liable to arrest for violating the same or any thereof. In addition to the general powers conferred by law upon mayors of cities, he shall have authority, with force, if necessary, to suppress all tumults, riots and unlawful assemblages, revelings, quarreling or other disorderly conduct, to the disturbance or annoyance of the peaceable inhabitants of the said city, and shall have power to call out and command the police and firemen, whenever in his discretion he shall deem it necessary, and such command shall be in all respects obeyed; he shall have power to administer oaths and take affidavits and acknowledgments in the said city, and receive therefor the same compensation that is allowed to justices of the peace for the same service. It shall be his duty to communicate to the common council, on or before the second Tuesday in May in the year nineteen hundred and two, and on or before February first in each year thereafter, a general statement of the affairs of the city in relation to its finances, government and improvements, with recommendations such as he may deem proper, and from time to time thereafter to recommend to the common council, and to any of the city boards, such measures as he shall deem necessary or advantageous for it to adopt; and to expedite and cause to be carried out all such as shall be adopted by any thereof; to exercise a constant supervision over the conduct of all subordinate officers, and to examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the common council. He shall have power at all times to examine the books, vouchers and papers of any officer or employee of said city, and to summon and examine under oath any person connected therewith. He shall be the chief executive officer of the city, and shall sign all appointments made by it, countersign all orders or warrants ordered by the common council to be drawn on the city treas-

Mayor, his
powers and
duties.

Annual
message.

Other
duties and
powers.

urer when the fund on which they are drawn is not exhausted.

Suspension
of licenses.

He shall have power to suspend any license granted by the common council, but such suspension shall only operate until the next meeting of the common council, and he shall report to the common council at such meeting such suspension with the reasons therefor. He shall have power to suspend any ap-

Suspension
of officers.

pointed officer until the next regular meeting of the common council, to which he shall report in writing such suspension, giving his reasons therefor, with recommendations. The common council may suspend such officer pending the final determination of the matter. When authorized by the common council so to do he shall execute, in behalf of the city, all deeds, contracts and other papers to be executed as the act of the city.

Ex officio
member of
boards.

He shall be ex officio member of the board of health and board of public works, and shall be president of each of said boards.

§ 8. Section seventy-two of such act as amended by chapter one hundred and eighty of the laws of eighteen hundred and ninety-eight is hereby amended to read as follows:

Notice to
persons of
increase in
assess-
ments.

§ 72. Whenever the said assessors shall assess any person who has not been previously assessed for personal property or increase any person's assessment for personal property who has been previously assessed, it shall be their duty to notify the person or persons so assessed, in writing, personally or by mail, which notice shall give the amount of such assessment, and shall be served on or before the day when the proposed assessment rolls are completed, and notice thereof published according to law. Each assessor shall receive as compensation

Compensa-
tion of
assessors.

for his services to be rendered under this act the sum of two hundred and fifty dollars per annum which shall include all services for making the assessment-roll and laying the taxes in the lamp district and for correcting and preparing rolls. At the first meeting of the common council in the municipal year beginning on the first day of January, nineteen hundred and three, and at the first meeting of the common council in each ensuing year, the mayor shall designate one of said assessors as the clerk of said board of assessors for the municipal year. Such clerk in addition to his compensation as assessor shall receive the sum of five hundred dollars per annum for compensation for his services as clerk of said board. He

Designation
of an
assessor as
clerk of
board.

shall attend during each business day of the year at some place to be designated by the mayor for the purpose of attending Duties of clerk. to the duties of such office from ten o'clock in the forenoon to twelve o'clock noon, and from two o'clock in the afternoon until five o'clock in the afternoon. Every deed of conveyance of land in said city shall be presented to the clerk of the board of assessors and stamped by him before it shall be recorded, but nothing herein contained shall affect the record of an unstamped deed. Said clerk shall make a record of every such conveyance in a book provided for that purpose or shall make proper entry thereof on the assessors' map of said city as shall be provided by resolution of the common council. It shall be his duty to keep a record in a book provided for that purpose of all building permits granted by the common council. Said clerk shall perform such other duties in reference to the preparation of the assessment-roll of said city as shall be directed by the common council. Every map, plan, or subdivision map or plan of said city showing a subdivision of such land into blocks or lots shall in like manner be presented to said clerk approved by the city engineer, and a copy thereof filed in the office of the board of assessors before the same shall be filed in the office of the clerk of Niagara county, and said original map or plan shall be stamped by said clerk. The county clerk County clerk's liability. of Niagara county shall be liable to said city in the penalty of ten dollars for each unstamped conveyance of land in said city recorded by him, and for each unstamped map filed by him. Said clerk and said board of assessors shall at all times occupy some otherwise unused office or portion of a building owned or leased by said city. In case of a vacancy occurring in the office Vacancy, how filled of said clerk the mayor shall designate some other member of the board of assessors to act for the remaining portion of the year in which such vacancy occurs. In case of the temporary inability of said clerk to attend to the duties of his office, or his temporary absence from said office, the city clerk or assistant city clerk may perform said duties of the clerk of the board of assessors in regard to the stamping of conveyances and the stamping and filing of maps, and shall keep a record of all acts so performed by him and shall forthwith render a written report thereof to the clerk of the board of assessors.

§ 9. Section ninety-three of such act as amended by chapter forty-seven of the laws of nineteen hundred and one is hereby amended to read as follows:

Police commissioners,
terms of
office, etc.

§ 93. The terms of office of the four police commissioners of the city of Niagara Falls heretofore constituting the board of police, shall cease and determine on the third Tuesday of April, nineteen hundred and one. The mayor shall at the regular meeting of the common council held on such date, or at some subsequent meeting, appoint two police commissioners, whose term of office shall expire on the third Tuesday of April, nineteen hundred and two, and there shall then be appointed by the mayor two police commissioners whose term of office shall expire on the thirty-first day of December, nineteen hundred and four, and thereafter there shall be appointed biennially two police commissioners whose terms of office shall be two years from and including the first day of January. Not more than one of said police commissioners shall be of the same political party to which the mayor belongs, nor shall any such police commissioner hold the office of alderman of said city while holding the office of police commissioner. Such police commissioners shall receive no salary.

§ 10. Section one hundred and nine of such act as amended by chapter one hundred and eighty of the laws of eighteen hundred and ninety-eight and chapter forty-seven of the laws of nineteen hundred and one is hereby amended to read as follows:

Fire commissioners,
terms of
office,
duties, etc.

§ 109. The terms of office of the four fire commissioners of the city of Niagara Falls, heretofore constituting the board of fire commissioners of said city, shall cease and determine on the third Tuesday of April, nineteen hundred and one, and there shall then, or within ten days thereafter, be appointed by the mayor, two fire commissioners who shall not be adherents of the same political party. The mayor and said two fire commissioners shall constitute the board of fire commissioners of said city, which shall have the control and management of the fire department of said city. The terms of office of the two fire commissioners so appointed shall be one year, and at the expiration of their term, the mayor shall appoint two fire commissioners whose terms of office shall expire with the end of the municipal year on the thirty-first day of December, nineteen

hundred and four, and thereafter the term of office of such fire commissioners shall be two years. Said fire commissioners shall receive no salary. The mayor shall be chairman and the city clerk shall be the clerk of said board of fire commissioners. Officers of board.

§ 11. Section one hundred and seventy-eight of such chapter as amended by chapter eight hundred and ninety-eight of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 178. The common council shall on or before June first of each year, make a careful estimate of all the city expenses for the current year, other than for school purposes, which estimate shall be made out in items, and designate the sum or sums for the following purposes, namely, for payment of the expenses of the police department, including the salary of the police justice, chief of police, sergeants, and policemen, rent of stations and other expenses thereof to be known as "police fund," for repairing and keeping in order the highways, streets, crosswalks, culverts, mains, public places, and grounds of said city, the opening of streets and highways, the erection and maintenance of bridges and culverts, and all other expenses relating to the streets and highways, to be known as the "highway fund," for the operating and maintenance of the fire department, including the salaries of such firemen, as the common council may employ, to be known as the "fire department fund," for the expenses of the board of health, to be known as the "health fund," for the payment of one-half of the expenses for the lighting and maintenance of the lamp district, to be known as the "lighting fund"; for the expenses of the corporation, care and management of the water works of said city, and for the payment of any contract, lawfully entered into by said city for the furnishing of water thereto for public purposes, and for all expenses connected with the water supply in said city, to be known as the "water fund"; for the cleaning, repair, and maintenance of sewers, to be known as the "sewer fund"; for the payment of the salaries of officers not otherwise provided for, and the general and contingent expenses of said city, to be known as the "contingent fund". Said common council shall, in like manner, also estimate the probable revenues other than general Annual estimate of city expenses.

Annual
city tax.

taxes of said city, available for the purposes named in said estimates. The common council may direct that any moneys heretofore or hereafter received by said city for fines or licenses, may be credited to such of said several funds as it may determine. Said common council shall, in the manner hereinafter provided, have power to raise by taxes each year, from the taxable inhabitants of said city, and the property therein liable to taxation for the purposes named in said estimate, such sums of money as they may deem proper, not exceeding the aggregate amount of said estimates, and not exceeding one per centum of the total assessed valuation of the real and personal property within said city, as shown on the last preceding assessment roll thereof, and also such further sums as may be necessary to pay the interest upon any bonds heretofore issued by the village of Suspension Bridge, or the village of Niagara Falls, or by the water board or sewer board of either of said villages, and then outstanding, or that may hereafter be issued to take the place of any such bonds, and in renewal thereof, or that may hereafter be issued by said city, under any of the provisions of this act and as may be necessary to pay the principal of any of such bonds as the same become due; and also such further sums as may be necessary to pay any judgment that may be recovered against said city in any court of competent jurisdiction. No execution shall be issued upon any judgment obtained against said city, until sixty days after the annual tax levy, subsequent to the rendition of such judgment. The common council may also, in any year, raise by general tax, such further sum or sums as shall be authorized by any provisions of this act, or as shall have been voted by a majority of the inhabitants of said city, entitled to vote, and voting to raise such additional sum or sums at any annual or special election called for that purpose, as herein provided.

Tax for
special
purposes.

When act
takes effect.

§ 12. This act shall take effect on the first day of May, nineteen hundred and two, except the provisions therein relating to the terms of office of the city officers elected at the election held on the first Tuesday of April, nineteen hundred and two, which shall take effect immediately.

Chap. 212.

AN ACT to amend section eight of the public buildings law, in relation to the duties of the state architect.

Became a law, March 28, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-three, entitled "An act relating to public buildings, constituting chapter fourteen of the general laws," as added by chapter five hundred and sixty-six of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

Act
amended.

§ 8. Duties.—The state architect shall prepare the drawings and specifications and supervise and control, as architect, the construction of all new buildings erected at the expense of the state. He shall also prepare the drawings and specifications for additions to existing buildings, and for the alteration or improvement thereof. He shall see that the materials furnished and the work performed in constructing, altering or improving any such building are in accordance with such drawings and specifications, and that the interests of the state are fully protected. He shall prepare regular and standard forms of contracts, to be approved by the attorney-general, which shall be used in all work let by contract and no payment shall be made on any such contract except upon his regular certificate after audit by the comptroller. If the drawings and specifications for any such buildings shall include a laundry therein they shall provide that the drying room for such laundry shall be constructed of fire-proof building material.

§ 2. This act shall take effect immediately.

Chap. 213.

AN ACT to amend the forest, fish and game law relating to the use of tip-ups and set-lines in fishing through the ice in certain waters.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended by adding a new section to be known as section fifty-nine-a, to read as follows:

§ 59-a. Further exceptions to section fifty-eight.—Tip-ups and set-lines may be used in fishing through the ice in Lake Champlain and South Bay, so called in the towns of Dresden, Whitehall and Fort Ann and in the waters of Big Sandy pond in the town of Sandy Creek, Oswego county, and in Oneida lake, in the counties of Oneida and Oswego, but no person shall operate, own or control more than twenty lines in any of the aforesaid waters.

§ 2. This act shall take effect immediately.

Chap. 214.

AN ACT to amend the agricultural law, relative to prevention of disease among bees and to add two sections thereto relative to honey, to be known as sections eighty-a and eighty-b.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section eighty of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws", as amended by chapter two hundred and twenty-three of the

laws of eighteen hundred and ninety-nine is hereby amended to read as follows:

§ 80. The prevention of disease among bees.—No person shall keep in his apiary any colony of bees affected with a contagious malady known as foul brood or black brood; and every beekeeper when he becomes aware of the existence of either of such diseases among his bees, shall immediately notify the commissioner of agriculture of the existence of such disease.

§ 2. Said chapter three hundred and thirty-eight is hereby amended by inserting therein, after section eighty thereof, two new sections, to be known as sections eighty-a and eighty-b, and to read respectively as follows:

§ 80-a. Defining honey.—The terms “honey,” “liquid or extracted honey,” “strained honey,” or “pure honey,” as used in this act shall mean the nectar of flowers that has been transformed by, and is the natural product of the honey-bee, taken from the honeycomb and marketed in a liquid, candied or granulated condition.

§ 80-b. Relative to selling a commodity in imitation or semblance of honey.—No person or persons shall sell, keep for sale, expose or offer for sale, any article or product in imitation or semblance of honey branded as “honey” “liquid or extracted honey”, “strained honey” or “pure honey” which is not pure honey. No person or persons, firm, association, company or corporation, shall manufacture, sell, expose or offer for sale any compound or mixture branded or labeled as and for honey which shall be made up of honey mixed with any other substance or ingredient. There may be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same size type as are the other ingredients, but it shall not be sold, exposed for sale, or offered for sale as honey; nor shall such compound or mixture be branded or labeled with the word “honey” in any form other than as herein provided; nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey, or branded or labeled with the word “honey”, unless such article is pure honey.

§ 3. Section eighty-one of said chapter three hundred and thirty-eight, as amended by chapter two hundred and twenty-

three of the laws of eighteen hundred and ninety-nine is hereby amended so as to read as follows:

§ 81. Duties of the commissioner.—The commissioner of agriculture shall immediately upon receiving notice of the existence of foul brood or black brood among the bees in any locality, send some competent person or persons to examine the apiary or apiaries reported to him as being affected, and all the other apiaries in the immediate locality of the apiary or apiaries so reported; if foul brood or black brood is found to exist in them, the person or persons so sent by the commissioner of agriculture shall give the owners or caretakers of the diseased apiary or apiaries full instructions how to treat said cases. The commissioner of agriculture shall cause said apiary or apiaries to be visited from time to time as he may deem best and if, after proper treatment, the said bees shall not be cured of the diseases known as foul brood or black brood then he may cause the same to be destroyed in such manner as may be necessary to prevent the spread of the said diseases. For the purpose of enforcing this act, the commissioner of agriculture, his agents, employees, appointees or counsel, shall have access, ingress and egress to all places where bees or honey or appliances used in apiaries may be, which it is believed are in any way affected with the said disease of foul brood or black brood or where it is believed any commodity is offered or exposed for sale in violation of the provisions of this act. No owner or caretaker of a diseased apiary, honey or appliances shall sell, barter or give away any bees, honey or appliances from said diseased apiary, which shall expose other bees to the danger of said diseases, nor refuse to allow the said commissioner of agriculture, or the person or persons appointed by him to inspect said apiary, honey, or appliances, and do such things as the said commissioner of agriculture or the person or persons appointed by him shall deem necessary for the eradication of said diseases. Any person who disregards or violates any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than one month nor more than two months, or by both fine and imprisonment.

§ 4. This act shall take effect immediately.

Chap. 215.

AN ACT to amend chapter five hundred and five of the laws of eighteen hundred and ninety-seven, as amended by chapter three hundred and twenty-three of the laws of eighteen hundred and ninety-eight, entitled "An act to make the office of sheriff of Sullivan county a salaried office in part, and to regulate the management of said office."

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one and two of chapter five hundred and five of the laws of eighteen hundred and ninety-seven, as amended by chapter three hundred and twenty-three of the laws of eighteen hundred and ninety-eight, entitled "An act to make the office of sheriff of Sullivan county a salaried office in part, and to regulate the management of said office," are hereby amended to read as follows:

§ 1. The sheriff of the county of Sullivan next elected or appointed or thereafter to be elected or appointed shall receive as compensation for his services and his expenses an annual salary of seventeen hundred dollars and his fees allowed by law on executions and from the state, and the fees allowed to him by law in civil actions and civil proceedings, except calendar fees, and three hundred dollars in lieu of and in full for all expenses and disbursements of himself and his assistants, which compensation shall not be increased or diminished during his term of office.

Annual
salary and
fees.

§ 2. It shall be the duty of said sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county and for individuals, including his duties as officer of the courts, and summoning jurors for the courts held in said county, and no compensation, payment or allowance shall be made to him for his own use for any such services, or for his expenses, or for the expenses of his undersheriff or deputy, except the salary, allowance for expenses, and fees aforesaid.

Duties of
sheriff.

§ 2. Sections four to nine inclusive of said act are hereby amended to read as follows:

Under-
sheriff.

§ 3. There shall be one under-sheriff who shall be appointed by the sheriff and serve during his pleasure. The sheriff shall be responsible for his official acts. The said under-sheriff shall receive from the county of Sullivan in full compensation for all his services to said county, and his expenses, an annual salary to be fixed by the board of supervisors of said county, except that the salary of said under-sheriff shall not exceed the sum of seven hundred dollars per annum. He shall act as assistant jailer, or turnkey of the jail of said county. It shall be his duty to attend all jury terms of court held in said county as one of the officers of said court, and perform such other duties as may be required of him by law, or by the court, or by the sheriff.

Compensa-
tion.

Duties of
under-
sheriff.

Special
deputies.

§ 4. Nothing in this act shall be construed to prevent the sheriff from appointing as many special deputies as he may choose to appoint, but the compensation of said special deputies shall not in any case be a county charge.

Court
officers.

§ 5. At each term of court held in said county where a petit jury is to be in attendance, the sheriff shall summon five constables of the county to attend as court officers, and when both a petit and a grand jury are to be in attendance, the sheriff shall summon seven constables to attend such court as court officers. Except as herein provided no other court officers shall be summoned or appointed, except by the order of the judge holding the court, on the application of the district attorney of the county; said order must be duly entered with the clerk, and a certified copy furnished the county treasurer.

Bonds from
under-
sheriff.

§ 6. The sheriff may require bonds, subject to his approval, from his under sheriff to secure him for the faithful performance of his duties.

Jail and
supplies
therefor.

§ 7. The jail of the county shall be kept by the sheriff of the county as now required by law. All furniture, implements, tools, and materials necessary for the custody of the prisoners and persons detained within said jail, shall be purchased by said sheriff under the supervision of the board of supervisors on the credit of the county of Sullivan, and shall be paid the same as other county charges are paid. Said sheriff shall board the prisoners confined in said jail, and shall receive in addition to the salary and allowance mentioned in section one of this act, for such board and for

the care of the cells occupied by such prisoners, and for their necessary laundry work, such reasonable sum per week or per diem as shall be determined by the board of supervisors of said county, not exceeding the sum of two and one-half dollars per week for each prisoner confined in said jail. An itemized account thereof shall be presented to the board of supervisors of said county during the first session of the annual meeting of said board of supervisors for audit, and the amount thereof shall be audited and allowed the same as other county charges. The said account shall be verified by the sheriff the same as other county charges are required by law to be verified. Accompanying said account shall be a verified statement of the sheriff giving the names of all persons confined in said jail during the time covered by said account, and the number of days each one of said prisoners was confined during said period. It shall be the duty of the sheriff to use convict labor as far as practicable in the care of the court house and jail and the yards and walks adjacent thereto. He shall be furnished a residence, with light and fuel for heating the same, and a barn, free of rent; and shall be privileged to have his barn and garden work done by convict labor, when practicable, but shall not receive other maintenance from the county.

Audit and
payment of
account.

Statement
as to
prisoners.

Convict
labor.

§ 8. All acts and parts of acts inconsistent with this act are hereby repealed as to Sullivan county, and said county is excepted from their provisions.

Repeal

§ 3. The amendments provided by this act shall not apply to the present incumbent of the office of sheriff of said county, or to the administration of said office during his term.

Application
of act.

Chap. 216.

AN ACT to legalize the incorporation and the acts of the River View cemetery association of Clintonville, in the county of Clinton.

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. A copy of the certificate of incorporation of the River View cemetery association of Clintonville, Clinton county,

Acts of
corporation
legalized.

New York, certified by the clerk of the county of Clinton shall be presented to a justice of the supreme court of this state, who is hereby authorized to approve the same and upon such approval being endorsed thereon the same shall be filed in the office of the secretary of state of this state and a duly certified copy thereof from said secretary of state's office shall also be filed in the office of the clerk of the county of Clinton, each nunc pro tunc as of the twenty-fifth day of November in the year eighteen hundred and seventy-eight. Upon the filing of such certified copies such corporation shall be and be deemed to have been duly incorporated in all respects as though the original certificate of incorporation had been duly approved by a justice of the supreme court and duly filed in the proper offices on the twenty-fifth day of November, eighteen hundred and seventy-eight, in accordance with the provisions of the acts of the legislature of this state then in force relating to the incorporation of rural cemetery associations. All the acts of the said corporation, as a corporation, including the taking title to and exercising ownership over real and personal property, and the conveyancing of real property and all other acts of a corporate character, are hereby ratified and confirmed in all and every respect, and made effectual in the same manner and with like effect as though the original certificate of incorporation of such corporation had been duly approved and filed in the manner provided by law on the said twenty-fifth day of November, eighteen hundred and seventy-eight. Nothing in this act shall affect any action or proceeding now pending in the courts of this or any other state.

§ 2. This act shall take effect immediately.

Chap. 217.

AN ACT to amend the code of criminal procedure relative to certificates of stay upon appeal.

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code of
criminal
procedure
amended.

Section 1. Section five hundred and twenty-nine of the code of criminal procedure is hereby amended to read as follows:

§ 529. **Certificates of stay not to be granted except on notice to the district attorney.**—The certificate mentioned in the last two sections cannot, however, be granted upon an appeal on a conviction of felony or misdemeanor until such notice as the judge may prescribe has been given to the district attorney of the county where the conviction was had, of the application for the certificate, accompanied by a formal specification in writing of the grounds upon which the application is based, but the judge may stay the execution of the judgment until the determination of such application. When an application for such certificate shall have been made to and denied by the trial judge or a justice of the supreme court or in case of an appeal to the court of appeals, by a judge of that court or a justice of the appellate division of the supreme court, no other application for such certificate shall be made. If an appeal to the appellate division of the supreme court shall not be brought on for argument by the defendant at the next term of the appellate division begun not less than ten days after the granting of such certificate, or if an appeal to the court of appeals shall not be brought on for argument by the defendant when the court of appeals shall have been in actual session for fifteen days after the granting of such certificate, the district attorney on two days' notice to the defendant may apply to the judge or justice who granted the certificate, or to any judge or justice of the court in which the appeal is pending, for an order vacating the certificate, and upon the entry of such an order the judgment shall be executed as though a certificate had never been granted to the defendant.

§ 2. This act shall take effect immediately.

Chap. 218.

AN ACT to amend the public health law and the acts amendatory thereof, in relation to pharmacy.

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions two and four of section one hundred and ninety of chapter six hundred and sixty-one of the laws Act amended.

of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter six hundred and sixty-seven of the laws of nineteen hundred, are hereby amended to read as follows:

State
board of
pharmacy.

Subdivision 2. The state board of pharmacy shall consist of fifteen members, five members from each of the above named sections. No person shall be eligible for election to the state board of pharmacy, unless he be a citizen of the state of New York and a resident and licensed pharmacist of that section of the state from which elected, and, if elected from the eastern section, unless he also be a member of an incorporated pharmaceutical society or association as provided in subdivision four immediately following.

Election of
members.

Subdivision 4. The election of the members of said state board of pharmacy for the eastern section shall occur in the month of June of each year. The state board of pharmacy shall designate a date in said month and a place in the borough of Manhattan and a place in the borough of Brooklyn for said election and shall give fifteen days' notice of said time and place to the societies or associations in said section, hereinafter described. At the time and place so designated in the borough of Manhattan three members for said section shall be elected, and no person shall be eligible for election, or to vote at such election, unless he be a resident of one of the counties of New York or Westchester and a member of the New York state pharmaceutical association, provided he be a licensed pharmacist or druggist, or of an incorporated pharmaceutical association or society in one of said counties, whose members are required to be licensed pharmacists or druggists. At the time and place designated as aforesaid in the borough of Brooklyn, two members for said section shall be elected and no person shall be eligible for election, or to vote at such election, unless he be a resident of one of the other counties in said section and a member of the New York state pharmaceutical association, provided he be a licensed pharmacist or druggist, or of one of the incorporated pharmaceutical associations or societies in said other counties, whose members are required to be licensed pharmacists or druggists. The election of the members of the state board of pharmacy for the western section shall occur at a meeting of the licensed phar-

macists and druggists residing in such section, to be held in the month of June of each year, called by the Erie county pharmaceutical association at the Buffalo college of pharmacy, or at such other place as may be designated by the state board of pharmacy, and such election shall be by ballot. The election of the members of the state board of pharmacy for the middle section shall occur at the annual meeting of the state pharmaceutical association, at which meeting all licensed pharmacists and druggists residing in such middle section are entitled to vote, and such election shall be by ballot.

§ 2. This act shall take effect immediately.

Chap. 219.

AN ACT to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester."

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title four of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight entitled "An act to incorporate the village of Port Chester" as amended by chapter eighty of the laws of nineteen hundred and one, is hereby further amended to read as follows:

§ 1. The trustees are authorized and empowered to raise money by tax, to be assessed upon the estate, real and personal, within the bounds of said corporation, and to be collected from the several owners and occupants thereof, for the purchase of any real or personal property for the use of said village, and to defray the ordinary and contingent expenses of said corporation, but no tax shall be levied, assessed and collected for the latter purpose in any one year, exceeding one-fifth of one per centum of the total assessed valuation of the real and personal property in said village, as appears upon the assessment roll of said village for the preceding year, except, as in this act hereinafter provided, until the same shall have been authorized by a vote of a majority of the taxable inhabitants of said village,

Charter amended.

Annual village tax.

For what objects, and amount thereof.

To be authorized by vote of taxable inhabitants.

qualified to vote under this act, present at any annual election or meeting or at any special meeting duly called for that purpose.

§ 2. Section one of title five of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight entitled "An act to incorporate the village of Port Chester" as amended by chapter eighty of the laws of nineteen hundred and one, is hereby amended to read as follows:

Village
declared a
separate
road
district.

Trustees
to have
powers of
highway
commis-
sioners.

Tax for
highways
and bridges.

Inhabitants
of village
not to vote
at town
meetings
to raise
money for
highways
outside of
village.

§ 1. The said village is hereby declared a separate road district, exempt from the superintendence and control of the commissioners of highways of the town of Rye, and the trustees shall possess all the powers given by law to the commissioners of highways of towns within the limits of said village, and the charge and expense of working and repairing all roads declared public highways in said village, and also for making, altering, repairing and improving bridges on or over the same, and upon or over any streets or highways in said village, except bridges over the Byram river between the village of Port Chester and the town of Greenwich, in the state of Connecticut, shall be raised by tax upon the taxable inhabitants and property of said village, in the same manner as ordinary and general taxes, and the said trustees shall be under the same obligation to keep said road and bridges in repair, and be subject to the same liabilities in respect thereto, as commissioners of highways, and such taxes can be raised by the trustees, without any vote, in addition to the sum allowed by section one of title four of this act, for the ordinary and contingent expenses of said village, not exceeding one-fourth of one per centum of the total assessed valuation of the real and personal property in the said village, as appears upon the assessment roll of said village for the preceding year, for any one year, for such purpose unless authorized to raise a larger sum by a vote of the taxable inhabitants of said village. No inhabitant, residing within the limit of said village shall, however, be entitled to vote at any town meeting on any proposition for raising money by tax for the repairs of roads and bridges in said town, located without the limits of said village, or for the construction of the same, and all property within the limits of said village shall hereafter be exempt from any taxation or assessment for the opening, laying out, maintenance, erection or repairs of any highway, roads and bridges in said town which are

situated without the limits of said village. No inhabitant residing in said village shall be eligible to the office of commissioner of highways of said town of Rye or be entitled to vote at any town election or town meeting for the office of commissioner of highways of said town of Rye. The trustees are authorized and empowered to raise by tax to be assessed upon the taxable property real and personal of said village, without any vote, in addition to the sums allowed by this section, and by section one of title four of this act, a sum not exceeding in any one year, one-fifth of one per centum of the total assessed valuation of the real and personal property in said village, as appears upon the assessment roll of said village for the preceding year, for the purpose of lighting any or all of the streets, public parks, places, offices and buildings in said village, but no tax or sum in excess of said amount shall be raised, levied, assessed or collected in any one year for such purpose, until the same shall have been authorized by a vote of a majority of the taxable inhabitants of said village qualified to vote under the charter of the village of Port Chester, at any annual election or meeting or at any special meeting duly called for that purpose. The said board of trustees are hereby further authorized and empowered to raise by tax to be assessed upon the taxable property real and personal in said village a sum not exceeding one-fifteenth of one per centum of the total assessed valuation of the real and personal property in said village, as appears upon the assessment roll of the preceding year, in addition to the sums allowed by this section and by section one of title four of the charter of the village of Port Chester, for the purpose of sprinkling the streets of said village, but no tax or sum in addition to said amount shall be raised, levied, assessed or collected in any one year for such purpose until the same shall have been authorized by vote of a majority of the taxable inhabitants of said village qualified to vote under the charter of the village of Port Chester, at any annual election or meeting or at any special meeting duly called for that purpose.

Inhabitants of village not eligible to office of highway commissioner.

Trustees authorized to raise tax for lighting purposes.

Trustees further authorized to raise tax for sprinkling streets

§ 3. Section four of title five of said act to incorporate the village of Port Chester is hereby amended by adding at the end thereof: The board of trustees of said village by the unanimous vote of all its members may allow any such improvement to

Trustees may allow improvements to be made.

Proceed-
ings for
street open-
ings, etc.

Map, where
filed.

Trustees
may by
resolution
purchase
land for
improve-
ment.

Condemna-
tion pro-
ceedings.

be made and may cause any property, rights or easements to be taken for such purpose without such petition and notice or in case of a petition against such remonstrances. Whenever the board of trustees shall intend to lay out, open, widen, straighten or extend any street, avenue or highway in the said village and the lands of any person or corporation or any right or easement therein will be necessary for that purpose or whenever the board of trustees shall ordain that the lands of any person or corporation or any right or easement therein will be necessary for public use for any of the purposes mentioned in the charter of the village of Port Chester, they shall cause the same to be surveyed and a map thereof to be made and filed in the village clerk's office, and a duplicate copy of such map shall also be filed in the Westchester county clerk's office showing the several lots, tracts or parcels of land and the rights or easements therein, which are deemed necessary to be taken, and in case of laying out, opening, widening, straightening or extending any street, avenue or highway, the commencement, course and termination of the proposed street, avenue or highway in, through or over the lands so to be taken, and for that purpose the said board of trustees, and those acting by its direction shall have the power to enter upon any lands in the said village. The board of trustees shall then declare by resolution their intention to take and appropriate the said property for the proposed improvement, and thereafter they may purchase the said land or right or easement therein from the owner or owners thereof and pay therefor to him or them such compensation as they should deem reasonable, upon receiving from such owner or owners a conveyance of the fee of said land to said village. In case the said board of trustees is unable to agree with the said owner or owners for the purchase of said land, rights or easements required for any of the purposes aforesaid, then the said board of trustees shall, and may acquire the same by condemnation proceedings under the provision of the condemnation law of this state, chapter twenty-three of the code of civil procedure.

§ 4. Section thirty-three of title five of said act to incorporate the village of Port Chester as amended by chapter five hundred and ninety-five of the laws of eighteen hundred and ninety-six, is hereby further amended by adding at the end

thereof the following: Whenever a petition for the laying of sidewalks and the setting of curb and gutter stones shall be presented to said board of trustees signed by one-third in number of the owners of property abutting on any street, avenue, or highway in said village, or any part or portion of any street, avenue or highway, on which it is requested shall have sidewalks laid and curb and gutter stones set, the trustees shall cause notice to be published in one or more of the village newspapers that such application has been made and of a time not less than ten days from the date of the publication of said notice when they will proceed to act on the prayer of said petition, and unless a remonstrance signed by a majority of the persons who will be assessed for the expense thereof shall be presented to them on or before the day specified in said notice, and if they shall deem the application proper, they may, on such day specified in said notice, or as soon thereafter as may be, by a resolution, decide to allow said improvement to be made and thereupon enter into a contract for the doing of the said work required for such improvement. Before giving notice of the pendency of such application the trustees shall fix the limit or district of assessment beyond which the assessment for doing the work mentioned in said petition shall not extend and the description of such limit or district of assessment shall be inserted in and form a part of the notice above provided for. The trustees shall then ascertain and determine the expense of the said work including the costs, charges and fees of attorneys, surveyors, superintendents, printing, inspectors and other proper and incidental expenses, and shall make a report in writing of the same, and the amount so ascertained by said board of trustees shall be assessed and apportioned by the said board of trustees against the owners of property abutting on the street, avenue, or highway in front of whose property it is proposed to set curb and gutter stones and lay sidewalks, in the proportion that the number of feet owned by each abutting property owner bears to the whole number of feet on both sides of the street, avenue or highway, or the part or portion thereof referred to in such petition. The said trustees shall then cause a notice to be published in one or more newspapers published in the said village, once a week for two successive weeks,

Notice of application for laying sidewalks, etc.

Trustees may allow improvement to be made, if there be no remonstrance.

To fix district of assessment.

Trustees shall ascertain the expense and make report.

Assessment.

Publication of notice.

Objections
to assess-
ment to be
made in
writing.

Report of
trustees,
where filed.

Assessment
to be a lien
on lands.

Trustees
may cause
sidewalks
to be laid,
etc., in
streets
which may
have been
opened.

Expense
thereof,
how
assessed.

Trustees
authorized
to issue
bonds for
street open-
ings, etc.

that they have made the assessment of the expense to be paid by the abutting or adjoining owners of the several parcels affected by the assessment or improvement, and, that they have completed and deposited their report of said assessment with the clerk of the village, where the same may be seen and examined, and that they will meet at a time and place to be specified in said notice, not less than ten days from the first publication, to review their said report, and that at such time and place all parties interested can be heard. All objections to said assessment shall be made in writing and shall be left with said trustees; the trustees shall then hear, consider and determine all objections, and review and, if necessary, correct said report, and then confirm the same, and assess the amount against the several parcels affected, and file their report, with all objections thereto, with the village clerk, and said assessment on such confirmation shall be a just and valid lien upon the said several parcels of land therein designated, and shall be collected and enforced as other assessments are enforced and collected in said village; as provided in the said charter of the said village. Whenever any street, avenue or highway shall be opened, widened, straightened or extended, as provided for in the charter of the village of Port Chester, the trustees may at the same time cause sidewalks to be laid and curb and gutter stones set on both sides of said street, avenue or highway, or the part or portion thereof which may have been opened, widened or extended and the expense of laying such sidewalks and setting such curb and gutter stones may and shall be assessed by the said board of trustees or by commissioners as the case may be, as a part of the expense of opening, widening, straightening or extending such street, avenue or highway; but the whole expense of laying such sidewalks and of setting such curb and gutter stones shall in all cases be borne by the owners of property abutting on such street, avenue or highway, on the part or portion thereof so improved, as provided herein.

§ 5. Title five of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight is hereby amended by inserting between sections twenty-nine and thirty-one thereof, the following section to be known as section thirty:

§ 30. The said board of trustees are hereby authorized and empowered, whenever in their judgment the opening, widening, straightening or extending of any street, avenue or highway or

any part or portion of the same is of benefit to the village at large and the inhabitants thereof, to ordain and resolve by unanimous vote of all the members of said board of trustees that a proportion of the expense of the opening, widening or extending of such street, avenue or highway, including attorneys', engineers' and inspectors' fees, not exceeding fifty per centum thereof, shall be paid by an issue of the village bonds for that purpose; and in such case the said trustees may and they are hereby authorized and empowered to issue bonds of the village for the purpose of paying the part or proportion of such expense which they shall have fixed to be paid by the issue of village bonds; and the said board of trustees shall then proceed in the work of opening, widening, straightening or extending any such street, avenue or highway as provided in title five of the charter of the village of Port Chester.

§ 6. This act shall take effect immediately.

Chap. 220.

AN ACT to legalize certain acts of the board of supervisors of Chemung county in relation to the issuing of bonds by the town of Southport in said county.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All resolutions of the board of supervisors of Chemung county at its annual session in the year nineteen hundred and one, relative to the issuing of bonds by the town of Southport in said county, for the improvement and construction of roads in said town under chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight and the laws amendatory thereof, and all proceedings taken by said board or any committee or officer of said board or any officer of said town of Southport, and the bonds issued under said resolution, are hereby declared to be in all things legal and valid, and said bonds and the interest thereon are hereby made payable at the office of the treasurer of Chemung county.

Acts of
board of
supervisors
legalized.

§ 2. This act shall take effect immediately.

Chap. 221.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," relative to the president of the common council.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section thirteen of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," as amended by chapter five hundred and thirty-four of the laws of nineteen hundred and one, and chapter three of the laws of nineteen hundred and two, is hereby amended to read as follows:

Election of president of council and aldermen.

§ 13. There shall be elected at the first election under this act, and at the city election every two years thereafter, a president of the common council from the city at large, who shall receive an annual salary of one thousand dollars, and one alderman from each ward of the city, who shall have been a resident in such ward for at least five months prior to such election, who shall hold their offices for two years; and the aldermen thus elected shall constitute the common council. The annual salary of each alderman shall be, in a city having a population, as appears by the last state enumeration, of less than one hundred thousand, five hundred dollars, in a city having a population of more than one hundred thousand, as aforesaid, seven hundred and fifty dollars.

Salary of aldermen in certain cities.

§ 2. Nothing herein contained shall be deemed to repeal or in any manner affect the validity or operation of chapter three of the laws of nineteen hundred and two.

§ 3. This act shall take effect immediately.

Chap. 222.

AN ACT to amend chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport", and the several acts amendatory thereof and supplemental thereto, relating to fiscal year and time of making reports by the various boards and city officials; and granting compensation to the aldermen of said city and authorizing the common council to raise by general tax levy sufficient money for the use of said city to meet the demands occasioned by the change in the fiscal year, and to repeal section two hundred seventy-nine of said act.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections four, twenty-nine, fifty-seven, sixty-two, one hundred four, one hundred forty-three, one hundred forty-four, one hundred forty-six and two hundred seventy-nine, of chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," and the several acts amendatory thereof and supplemental thereto, is hereby amended to read as follows:

§ 4. The municipal year in said city shall begin on the first day of January. The fiscal year in said city shall begin on the first day of January. Charter revised.
Municipal and fiscal years.

§ 29. Subject to the provisions of this act the common council shall have power to declare and enforce the duties of the aldermen and of all officers elected or appointed under this act, and not herein particularly provided for; and when compensation is not herein fixed and declared, shall pay such officers, by way of salary or otherwise, a reasonable compensation for their services. Each alderman hereafter elected under this act shall receive after the first day of January, nineteen hundred and four, for each regular or special meeting of the common council which he shall attend as a member thereof, and at which he shall answer to his name at the roll call, and continue present until adjourn- Duties of officers, how enforced.
Compensation of officers.
Compensation of aldermen.

Salary,
when
payable.

Publication
of state-
ment of
proposition.

Question of
compensa-
tion to be
submitted
to electors.

City
treasurer
to keep an
office.

To receive
taxes and
assess-
ments.

ment, the sum of three dollars, and for each regular or special committee meeting which he shall attend as alderman, and at which he shall give his attention to any city business, the sum of three dollars; but no alderman shall receive in any one year pay for his attendance upon more than fifty council meetings, nor more than fifty committee meetings. The aldermen shall receive their pay at the same time and in the same manner as other city officials, but no alderman shall receive any compensation for his services as herein provided until the consent of the electors of the city of Lockport is first had and obtained in the following manner: The common council shall for at least three weeks before the general election to be held in the year nineteen hundred and two, cause to be published twice in each week in all daily papers published in the city of Lockport, a statement of the proposition that said aldermen shall receive such compensation, and that the question as to whether or not said aldermen shall be so compensated, will be submitted to the electors of such city at said election. Every person entitled to vote at said election shall be entitled to cast a vote upon the question whether or not said aldermen shall be so compensated by said city. The question whether or not said aldermen shall receive such compensation shall be submitted to the electors thereof in the same manner as other propositions or questions are submitted as provided by the election law. If a majority of said electors vote in favor thereof, then the provisions hereof as to the salary of the aldermen shall become operative. Such compensation shall be fixed before the election or appointment of any officer and shall not be changed during his term, and none of said officers shall receive for himself other fees, compensation or perquisites, except as otherwise provided for by this charter.

§ 57. The office of the city treasurer shall be kept in some central and convenient place in said city, to be approved by the common council, and shall be kept open on each day in the year, Sundays, election days and legal holidays excepted from nine o'clock in the morning until five o'clock in the afternoon, or at such hours as the common council may direct. It shall be his duty, personally, to receive all county, city and local taxes or assessments which may be paid at his office, and to retain there, and not elsewhere, the possession of all warrants and

assessment rolls which may from time to time be delivered to him by supervisors, or by the board of supervisors, or by the clerk of the city; he shall enter daily, in suitable books, the sum received by him for taxes or otherwise, with the name of the persons on whose account and on what account the same is paid, and shall, when required, exhibit the same in his office to the mayor and committee of finances for inspection; he shall be the chief fiscal officer of the said city; he shall be the general custodian of and be responsible, with his sureties, for all the moneys, bonds, obligations or other evidences of debt belonging to said city; he shall receive all moneys belonging to the city; and shall keep an account of all receipts and expenditures, in such manner as the common council shall direct, and it shall be his duty to make a written or printed report to the common council of the condition of the city finances quarterly, namely, at its first meetings in January, April, July, and October, showing in said reports the true financial condition of the city on the beginning of the first day of said months respectively, giving the debt and liabilities of the city in detail, and when and for what contracted, as well as the moneys in the treasury, and to what particular funds they belong and the sources from which these moneys shall have been received. He shall verify said report by his affidavit appended thereto, stating that the same and every portion thereof is correct and true, to the best of his knowledge and belief; and it shall be the duty of the common council to cause the same to be published in the official paper of the city, with and as a part of the proceedings of the meeting of the common council at which said report was presented, and thereupon refer the same to its finance committee, which shall forthwith carefully examine the same and the account books, vouchers, bank books, certified by bank officers, and moneys in the hands of said treasurer and report thereon as to the correctness of said treasurer's report, on or before the last meeting of said common council in the said months of January, April, July and October, respectively. All moneys drawn from the treasury, except the union school moneys, shall be drawn in pursuance of an order of the common council, by warrant, signed by the clerk and countersigned by the mayor; said warrant shall specify from

Other duties.

Custodian of city bonds, moneys, etc.

Quarterly report.

Publication thereof.

Finance committee of council to examine same.

Moneys to be drawn from treasury upon warrant.

Duties as to
tax sales.

Compensa-
tion.

Disposition
of fees.

Overseer of
poor, his
duties and
powers.

Report.

what fund and for what purpose the amount mentioned therein is to be paid. He shall perform all the duties hereinafter mentioned in and pertaining to the collection of taxes and tax sales, and such other duties pertaining thereto and to the finances of the city as the common council may direct. He shall receive for all his services to said city a compensation of one thousand five hundred dollars per annum, and in addition thereto, two hundred and fifty dollars per annum as an allowance for office rent until such time as the city shall provide him with an office. All fees, percentages or interest moneys received by the treasurer, including all interest moneys, which he may receive for the use of moneys in his hands, shall be paid by him into the treasury of the city, except the fees for tax searches as hereinafter provided. He shall also be the collector of county taxes in said city.

§ 62. It shall be the duty of the overseer of the poor personally to investigate the character, habits, location of residence, conditions and necessities of all applicants for assistance and relief, the results of which shall be recorded in a proper book to be kept for that purpose. He shall not allow or pay any bill, account or claim for supplies furnished by any dealer, merchant or other person, unless the claimant, his agent or legal representative annex thereto an affidavit of such claimant, agent or representative, stating that the bill or account is just and correct, that the items charged therein and specified in each accompanying order for supplies or relief have been in fact and good faith furnished by the claimant to the person named in the order and to no other person, and that no part thereof has been paid or satisfied, and that there are no offsets thereto; nor for compensation, expenses or services, unless the affidavit shall state that the account is just and correct and that no part thereof has been paid or satisfied, and there are no offsets thereto. He shall take up and preserve all orders, bills, accounts and vouchers of his expenditures and payments, and exhibit the same with his books and files to the common council whenever directed so to do. He shall report to the common council at its first meetings in January, April, July, and October, in each year, a detailed statement of all his receipts and disbursements for the three months next preceding that in which such report is made,

showing the money on hand at the beginning and end of the quarter, and date and amount of each order or payment for temporary relief, and the person to whom made or given, and all his other disbursements in like detail. Said report shall be verified by his oath taken before some proper officer, that the same is, and the items thereof are, correct to the best of his knowledge and belief. If said report is not sufficiently explicit the common council may call for a further report, which the overseer shall immediately furnish. Except as herein otherwise provided, said overseer shall have the same powers and duties, liabilities and responsibilities, as overseers of the poor in the towns of Niagara county, in all matters pertaining to the maintenance and support of the poor in said city, and as to those matters the city shall be regarded as a town of said county. Upon receiving said report the common council shall refer it to some proper committee, which shall proceed without delay to carefully investigate and examine said report and the vouchers thereof, and the books of said overseer; and for that purpose the committee shall have power to send for persons or papers, and examine said overseer and any other person or persons, under oath, in respect to any matter or thing in the premises. Such committee shall report to the common council, favorably or adversely, in whole or in part, with its reasons and recommendations, and the common council shall thereupon proceed to consider and audit the account of said overseer, and shall have all the powers, duties and responsibilities of a board of town auditors in the premises. The affidavits annexed to said overseer's report, or to any of said bills, accounts or vouchers, shall not be conclusive upon the common council in case it shall appear that any claim or item in said report is illegal, unjust or improper, in whole or in part, but in such case such item or portion thereof shall be disallowed, and said overseer and his surety shall be liable for the amount thereof. The common council shall cause each of said reports of the overseer of the poor to be published in full, except the names of the persons to whom orders for temporary relief were given, as a part of the proceedings of the meeting at which the same is made.

To have certain powers of town overseers.

Council to examine books of overseer.

Publication of report of overseer.

§ 104. There shall be a fire department in said city for the prevention and extinguishment of fires. It shall consist of

Fire department officers.

Fire com-
panies, fire-
men, etc.

Board of
fire com-
missioners,
how
constituted.

Organisa-
tion.

Meetings.

Quorum.

City clerk
shall be
ex officio
clerk of the
board.

His duties.

four fire commissioners, a chief engineer, a first assistant engineer, a second assistant engineer, a superintendent of fire alarm, a fire warden, such employees and subordinates as may be found necessary from time to time, and a competent number of able-bodied firemen, inhabitants of said city, who shall be organized into companies not exceeding six in number. At the first regular meeting of the common council, in January, nineteen hundred and one, or as soon thereafter as may be the mayor shall appoint two fire commissioners, who with the two fire commissioners whose terms have not expired shall constitute the board of fire commissioners, and be the head of the fire department. Two of those commissioners shall be selected from one of the two principal political parties then existing, and the other two shall be selected from the other of said principal political parties. One of the four commissioners shall be an honorably discharged fireman. Annually thereafter the mayor shall appoint two fire commissioners to serve two years. Such appointments shall be so made that at all times the nonpartisan character of the board, as herein contemplated, shall be preserved, and so that an honorably discharged fireman shall at all times be a member thereof. The terms of office of each of said other officers of the fire department shall be one year. The fire commissioners thus appointed shall meet within one week thereafter and organize by electing one of their number president. After organizing the board shall hold at least one regular meeting in each month, at the common council rooms, or at such other place as it may select. It shall make rules to govern its proceedings, and three commissioners shall be a quorum for the transaction of business at the meetings of said board. No fire commissioner shall receive compensation for his services, nor be interested in the purchase, sale or leasing of lands for the use of the fire department nor in the construction or repair of engine or other houses therefor, nor in the purchase or sale of apparatus, supplies or property of any kind for the use of the fire department. A wilful violation hereof shall be a misdemeanor. The city clerk shall be ex officio clerk of the board of fire commissioners. He shall attend the meetings thereof, keep full minutes of all its proceedings in proper books to be provided therefor, file and carefully preserve all accounts, papers and documents relating to

the business of said department, and perform such other clerical services as may be required by the board. He shall not receive additional compensation for said services. All claims against said city growing out of or in any way arising from the operation, management and maintenance of the fire department shall be presented to the board of fire commissioners for examination and approval before the same shall be presented to the common council for audit. The board shall not order the expenditure of any money or make any contract except by a majority vote of all its members, which vote shall be taken by yeas and nays and entered in the minutes. No expenditure or contract involving the expenditure of a sum in excess of two hundred and fifty dollars shall be made without the consent of the common council, and before the board shall enter into a contract for the performance of any work, the expense of which shall exceed the sum of two hundred and fifty dollars, it shall, after having obtained the common council's consent, cause a notice to be published in three successive numbers of the official paper, inviting proposals for the same, according to plans and specifications then on file in its office, and such contract shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the board reject all bids therefor, which it may do. The board shall, on or before the first day of August, in each year, make and present to the common council a certified written estimate of the cost of maintaining and operating the fire department for the ensuing fiscal year, and the sum so certified, which shall not be more than eight thousand seven hundred dollars, shall be included in the next general city tax levy and constitute the fire fund. The city treasurer shall pay money therefrom only as directed by the common council. The board shall not create any debt or pecuniary obligation or liability whatever against the city, on account of the fire department, or otherwise, which shall not be payable in the current fiscal year, and cannot be discharged and paid from the income of the same year; any fire commissioner wilfully voting therefor when said fund is exhausted shall be guilty of a misdemeanor. At some regular meeting of the common council in each of the months of January, April, July and October in each year, and at such other times as the common council may require, the board shall report

Claims,
where
presented.

Expendi-
tures, con-
tracts, etc.

Publication
of notice
for
proposals.

Annual
estimate.

Amount
certified to
be included
in tax levy.

Quarterly
reports to
common
council.

in writing to the common council, showing the amount of money in the fire fund at the beginning and at the end of the three months next preceding the month in which said report shall be made, and the expenditure in detail made by the board during said period. Said January and July reports shall also state fully the condition of the department as to the efficiency and discipline of the several companies, the number and origin of the fires occurring during the year, and any other pertinent matters. They shall be accompanied by a complete inventory of all property of the department then on hand, with a statement of its condition. Said reports and inventory shall be filed with the city clerk, and said reports shall be immediately published by the common council as a part of its proceedings.

Inventory.

Publication
of reports
and
inventory.Water
board to
report to
common
council.

§ 143. At some regular meeting of the common council, in the months of January, April, July and October in each year, and at such other time as the common council may require, the water board shall report to the common council a statement of the condition of the water works and the receipts and expenditures of the water board for the three months next preceding the first day of the month in which such report is made. The common council shall publish such report as a part of its proceedings.

Publication
of report.Water sup-
ply, appli-
cations for.Water
rates.

§ 144. Applications for water shall be made to the water board, and shall be for the period of one year, commencing either on the first day of July or on the first day of January next following the date of application. All water rates not exceeding ten dollars shall be payable on the first day of July, in each year, or at the time when applications for water shall be made. All water rates exceeding ten dollars shall be payable half yearly in advance on the first day of July and of January in each year. The applicant, if rate exceed ten dollars, at the time of applying shall pay to such person as may be designated by the water board to receive the same, six months' water rate, and in case he shall desire to use the water before said first day of July or January, as the case may be, he shall also pay in addition thereto a pro rata water rate for such time as said applicant shall desire to use the water prior to said day. The person designated by the water board to receive said money shall immediately upon the receipt thereof report and

pay the same to the city treasurer, specifying from whom and the premises for which the payment is made. All water rates received by the city treasurer shall be placed to the credit of the water fund. It shall be the duty of the city clerk to perform all the clerical labor of making out the water rolls and serving the notice of their completion.

Money
therefrom
how
applied.

§ 146. On the last day of December, and the last day of June in each year, the water board shall deliver to the city treasurer a certified list of all the water rates due for the next succeeding six months, showing briefly the several persons and premises from whom and whence the same are payable respectively; and the water board on the same day shall notify the several persons named in said list, from whom such rates are due, of the amount due from each respectively, and that the same may be paid within ten days from that date, to the city treasurer without fees; and that from and after the expiration of the said ten days, ten per centum fees will be added thereto, and be collectible therewith; and in case of such failure to pay within said ten days, said water board are hereby empowered to and shall add ten per centum fees to each of said unpaid water rates. Said notices shall be written or printed, and shall be addressed to each user of water, by his name, at the street and number in said city where the water shall be used, and be prepaid, and be deposited in the post office in said city. In case of a change in the person or firm using the water, it shall be the duty of the successor to notify the water board thereof, forthwith, and if such notice be not given, a notice by the water board as above, addressed to the applicant, or the person who paid the last previous water rate for the premises in question shall be a full and sufficient notice under this section.

Semi-
annual
statement
of water
rates.

How
collected.

§ 2. Section two hundred seventy-nine of said act is hereby repealed.

Section
repealed.

§ 3. The common council is hereby authorized and empowered to raise by general tax levy in said city during the year nineteen hundred and two, a sum not exceeding twelve thousand one hundred dollars in addition to the sum provided to be raised by general tax under section two thirty-one of title fourteen of the city charter of the city of Lockport; such additional moneys shall be placed by the city treasurer to the

General
tax.

Additional
tax, how
applied.

credit of the following funds, namely: Not exceeding two thousand five hundred dollars thereof to the credit of the salary and contingent fund; not exceeding two thousand dollars thereof to the credit of the police fund; not exceeding one thousand dollars thereof to the credit of the fire fund; not exceeding three thousand five hundred dollars thereof to the credit of the street lighting fund; not exceeding three hundred fifty dollars thereof to the credit of the health fund; not exceeding two hundred dollars thereof to the credit of the plumbing fund; not exceeding two thousand dollars thereof to the credit of the highway fund; not exceeding four hundred dollars thereof to the credit of the cross-walk fund; not exceeding one hundred and fifty dollars thereof to the credit of the bridge, culvert and reservoir fund; the moneys provided to be raised by general tax levy, pursuant to section two thirty-one, title fourteen. of said city charter, shall not be available for use until the beginning of the fiscal year, January first, nineteen hundred and three.

§ 4. This act shall take effect immediately.

Chap. 223.

AN ACT to authorize the city of Lockport to borrow money, by the issue of bonds, for the building and furnishing of a school-house on William street in said city.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common
council
authorized
to issue
bonds.

Section 1. The city of Lockport, by its common council, shall have authority, and when requested so to do by the board of education of said city, it shall be its duty, to cause registered or coupon bonds of said city to be issued in the name and upon the faith and credit of said city, which said bonds shall be sealed by the city seal, and signed by the mayor and city clerk, in a sum not exceeding fifteen thousand dollars, bearing annual interest at a rate not exceeding four per centum per annum.

Interest.

The principal of said bonds shall be payable in fifteen equal, successive, annual installments from the date thereof, at the office of the city treasurer, or at some bank within the city.

Principal,
when
payable.

§ 2. Upon the issue of said bonds, the city treasurer of the city of Lockport shall suitably advertise for proposals for the purchase of the same, and he shall sell them to the party or parties offering to pay the highest price therefor, but at not less than their par value. The said treasurer shall keep in his office a record of all bonds sold hereunder, by number, date, amount, and name of payees, subject at all reasonable times to the inspection of the mayor and common council, or any taxpayer of the school districts hereinafter mentioned. The proceeds arising from such sale shall be, by said city treasurer, forthwith paid over to the treasurer of the board of education of said city of Lockport. Said board of education shall have the power, and it shall be their duty, to require their said treasurer to execute an additional bond, in form similar to his present official bond, in a sum and with sureties approved by said board, for the faithful holding, paying and accounting for such moneys.

Bonds, how
sold.

City
treasurer to
keep record
of bonds
sold.

Treasurer
of board of
education
to execute
additional
official
bond.

§ 3. The moneys so realized from the sale of said bonds issued, or so much thereof as may be necessary, shall be used and applied by and under the direction of said board of education, for the erection and completion of a school building and appurtenances together with the necessary heating and ventilating apparatus, and furnishings for the same, upon the site now owned by said board of education on William street in said city of Lockport.

Proceeds,
how
applied.

§ 4. The common council of the city of Lockport is hereby authorized to, and shall include in the annual tax levy of said city, in addition to other sums now or which may then be authorized to be raised therein in any one year, the amount necessary to pay said bonds and the interest thereon, as the same shall become due as above provided, the same to be levied and collected of all the taxable property, real and personal, in primary school districts numbers six and seven of said city. The amount so levied for the payment of said bonds and interest shall not be applied to or be used for any other purpose whatever.

Amount
to be
included
in annual
tax levy.

§ 5. This act shall take effect immediately.

Chap. 224.

AN ACT to amend chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," and the several acts amendatory thereof, in relation to street surface railroads.

Became a law, March 26, 1902, with the approval of the Governor. Passed.
a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," and the several acts amendatory thereof, are hereby amended by adding thereto and inserting between sections thirty-six and thirty-seven thereof a new section to be known and designated as section thirty-six-a as follows:

Expense of
pavement
and repairs
between
tracks of
street rail-
road to be
assessed
against and
collected
from such
railroad
corpora-
tion.

§ 36-a. The whole or any part of the cost and expense of pavement and repairs between the tracks, the rails of the tracks and two feet in width outside of the tracks of any street surface railroad corporation using its tracks in any street, avenue or public place in the village heretofore or hereafter incurred by the village after failure of such corporation or corporations to pave or repair on any such street, avenue or public place within thirty days after notice so to do from the board of trustees or in its behalf and by its authority may after payment thereof by the village be assessed against and collected from such corporation or corporations and all franchises and property thereof in or upon all the streets, avenues and public places of the village in the same manner as assessments are made against and collected from abutting property owners for pavement and all the franchises and property of any such street surface railroad corporation or corporations in or upon all the streets, avenues and public places of the village may be sold to collect such assessment or assessments in the same manner as provided for the sale of real property to collect other taxes in the village and all the provisions of law applicable to the collection of taxes by a sale of real property in the village of Oneonta

Franchise
may be sold
to collect
assessment.

are hereby made applicable to the collection of such assessment or assessments herein provided for except that notice of sale may be served personally on such company or companies instead of being posted upon the property to be sold and such assessment or assessments when so made shall be a first lien superior to any lien by mortgage, judgment or otherwise except the lien of an existing tax on all the franchises and property of such corporation or corporations in or upon all the streets, avenues and public places of the village and nothing herein contained shall in any way impair any other remedy or remedies at law or otherwise for the collection of such cost and expense of such repairs and pavement or any part thereof or for the collection of any part thereof not realized by a sale as herein provided.

Notice of
sale, how
served.

§ 2. This act shall take effect immediately.

Chap. 225.

AN ACT to amend section seventeen of the railroad law in relation to railroads in foreign countries.

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventeen of the railroad law is hereby amended so as to read as follows:

§ 17. Railroads in other countries.—A railroad corporation may be formed under this chapter for the purpose of constructing, maintaining and operating in any foreign country a railroad for public use in the transportation of persons and property, or for the purpose of maintaining and operating therein any railroad already constructed, in whole or in part, for the like public use, and of constructing, maintaining and operating, in connection therewith, telegraph lines and lines of steamboats or sailing vessels. Any corporation formed for the construction and operation of a railroad by stationary power, may construct, operate and maintain a railroad in any other state

or country, if not in conflict with the laws thereof, but the assent of the inventors or patentees of the method of propulsion used must be first obtained in the same manner and to the same extent as would be necessary within the United States. The term "foreign" in this and the next two sections of this law shall include Porto Rico.

§ 2. This act shall take effect immediately.

Chap. 226.

AN ACT to amend the railroad law, in relation to extending street surface railroads on routes parallel with the lines of other street surface railroads.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-nine-a of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," as amended by chapter six hundred and forty-three of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 59-a. Railroad commissioners may certify part of the route of a street surface railroad; power to revoke certificates; street surface railroad extension.—Whenever application is made by a street surface railroad company for a certificate of public convenience and a necessity as required by the provisions of the foregoing section, and it shall appear to the board of railroad commissioners, after examination of the proposed route of the applicant company that public convenience and a necessity do not require the construction of said railroad as proposed in its articles of association but do require the construction of a part of the said railroad, the board of railroad commissioners may issue its certificate for the construction of such part of the said railroad as seems to it to be required by public convenience and a necessity. In case any railroad company which shall hereafter obtain the certificate of the board of railroad commissioners that public convenience and a necessity require

the construction of the whole or a part of the said railroad shall fail to begin such construction within two years from the date of the issuing of said certificate, the board of railroad commissioners may inquire into the reason for such failure and the said board may revoke said certificate if it shall appear to it to be in the public interest so to do. Any street surface railroad company which proposes to extend its road beyond the limits of any city or incorporated village by a route which will be practically parallel with a street surface railroad already constructed and in operation shall first obtain the certificate of the board of railroad commissioners that public convenience and a necessity require the construction of such extension as provided in the case of a railroad corporation newly formed. Before making application for such certificate the corporation shall cause to be advertised the route of the proposed extension in one or more newspapers in each county in which such extension is to be constructed, at least once a week for three successive weeks, and shall file satisfactory proof of such publication with the board of railroad commissioners. Nothing in this section shall prevent street railroad companies from making extensions within the limits of cities or incorporated villages upon compliance with the provisions of law now applicable thereto.

§ 2. This act shall take effect immediately.

Chap. 227.

AN ACT relative to a public school teachers' retirement fund in the city of Poughkeepsie.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of education of the city of Poughkeepsie is hereby given the general care and management of the public school teachers' retirement fund created by this act. The city treasurer of the city of Poughkeepsie shall hold all moneys be-

Public
school
teachers'
retirement
fund
created.

Board of
education
shall have
charge of
fund.

Annual
report of
city
treasurer.

Fund, how
composed.

longing to said fund and by the direction of the board of education shall invest and pay out the same. The board of education shall have charge of and administer said public school teachers' retirement fund as it shall deem most beneficial, and is empowered to make all necessary contracts and take all necessary and proper action and proceedings in the premises and to make payments from said fund of annuities granted in pursuance of this act; and shall from time to time establish such rules and regulations for the administration of such fund as it shall deem best. The city treasurer of the city of Poughkeepsie shall report in detail to the common council of the city of Poughkeepsie annually at its last meeting in each year, the condition of said fund, and the items of the receipts and disbursements on account of the same. The public school teachers' retirement fund herein provided for shall consist of the following with the interest and income thereof:

1. All money, pay, compensation or salary, or any part thereof forfeited, deducted or withheld for or on account of absence from duty for any cause. The clerk of the board of education shall certify monthly to the said city treasurer the amounts so deducted from the salaries of teachers during the preceding month.

2. All moneys received from donations, legacies, gifts, bequests or otherwise for and on account of said fund.

3. The board of education shall on and after January first, nineteen hundred and three, reserve monthly and turn over to said fund two per centum of the salaries paid each month to the teachers who shall, prior to that date elect in writing to come under the provisions of this act; and the board of education shall also reserve monthly and turn into said fund two per centum of the salaries paid each month to all teachers appointed after January first, nineteen hundred and three.

4. The common council of the city of Poughkeepsie is hereby empowered and authorized to raise by general tax in the manner and at the time provided for in section sixty-six of chapter six hundred and fifty-nine of the laws of nineteen hundred, an annual sum not exceeding twelve hundred dollars per annum, which shall be turned into said fund.

5. All such other methods of increasement as may be duly and legally devised for the increase of said fund.

The board of education may retire from active service, any Retirement of teachers teacher now in its employ, who has elected to come under the provisions of this act; or who shall be appointed on or after January first, nineteen hundred and three, who has taught not less than twenty-five years, of which twenty immediately, preceding the proposed retirement shall have been in the public schools of the city of Poughkeepsie. Each and every teacher retired under the foregoing clause, shall receive during life, an annual allowance of three hundred dollars, to Annual allowance, how paid. be paid in equal quarterly installments; whenever the amount in the retirement fund herein provided for shall not be sufficient in any year to pay the allowances heretofore specified, payments shall be made in due proportion to the amount in the retirement fund applicable to that purpose. The board of education is hereby given the power to use both the principal and income on said fund and to manage, accumulate and control the same as said board shall provide by its by-laws.

§ 2. In case any teacher who is at the time of the passage Reimbursement to discharged teachers. of this act, or may hereafter be in the employ of the board of education shall be removed or discharged as such, all percentages from his or her salary paid into said public school teachers' retirement fund, shall be reimbursed to him or her.

§ 3. All acts and parts of acts, inconsistent with this act are Repeal. hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 228.

AN ACT to amend chapter four hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act to amend the charter of the city of Poughkeepsie," relative to the city library and the qualifications of jurors.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighty-six of chapter four hundred and twenty-five, of the laws of eighteen hundred and ninety-six, entitled "An act to amend the charter of the city

of Poughkeepsie" as amended by chapter six hundred and fifty-nine of the laws of nineteen hundred, is hereby amended by adding the following subdivision to said section:

Additional
powers of
board of
trustees.

7. In addition to the foregoing powers, the usual powers of a corporation for public purposes are hereby conferred upon the said board of trustees of the city library, to take, accept and execute any trust or power for the benefit of said city library that may be conferred upon, intrusted or committed to it by any person or persons by grant, transfer, bequest, gift or otherwise, and to receive, take and hold any property which may be the subject of any such trust.

§ 2. Section one hundred and ninety-two of said chapter, as amended by chapter six hundred and fifty-nine of the laws of nineteen hundred, and chapter two hundred and four of the laws of nineteen hundred and one, is hereby amended to read as follows:

Double
costs for
officers.

§ 192. Every person elected or appointed to any office under this act who shall be made a party to any action or special proceeding in any court, for any act done or omitted to be done in virtue of his office, and who shall have a final judgment rendered in his favor in such action, or in whose favor a final order is made in such special proceeding, whereby he shall be entitled to costs, shall recover double costs. No person shall be disqualified from acting as judge, witness or juror, by reason of his being a resident, inhabitant or freeholder in said city of Poughkeepsie in any action or proceeding in which the city of Poughkeepsie is a party.

§ 3. This act shall take effect immediately.

Chap. 229.

AN ACT authorizing the sale of land owned and possessed by the city of Poughkeepsie, New York.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City au-
thorized to
sell land.

Section 1. The city of Poughkeepsie is authorized and empowered to grant and convey by proper deed, executed by the

mayor of the city of Poughkeepsie, whenever directed so to do by resolution of the common council of said city, upon consideration and condition to be fixed by said common council, all the right, title and interest which said city of Poughkeepsie has in and to the following described premises: All that tract or parcel of land situate, lying and being in the city of Poughkeepsie and generally bounded and described as follows, namely: Beginning at a point in the north line of Dock street in line with the westerly face of the rock bluff, at high water mark, on the easterly bank of the Hudson river; thence easterly in the north line of Dock street fifty feet to a point; thence southerly at a right angle with the said north line of Dock street fifty feet to a point in the south line of said Dock street; thence westerly along the said south line of Dock street to said high water mark on the easterly shore of the Hudson river; thence northerly along said high water mark to the place of beginning.

§ 2. This act shall take effect immediately.

Chap. 230.

AN ACT to amend chapter three hundred and forty-five of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the town of Leicester, in the county of Livingston, to purchase additional land to enlarge their burying-ground near the village of Moscow," in relation to the election of trustees.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter three hundred and forty-five of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the town of Leicester, in the county of Livingston, to purchase additional land to enlarge their burying-ground near the village of Moscow, is hereby amended to read as follows: Act amended.

§ 2. The terms of the cemetery trustee or trustees of the town of Leicester in the county of Livingston, which have not expired on the first day of April, nineteen hundred and three, Expiration of terms of trustees.

Election of trustees.

Terms of office.

Vacancies, how filled.

shall expire on that date. At the annual town meeting held in such town in the year nineteen hundred and three, there shall be elected three cemetery trustees, one to hold office for a term of two years, one for a term of four years and one for a term of six years, from and including the first day of April succeeding the election, and at each biennial town meeting thereafter there shall be elected one trustee to hold office for a term of six years from and including the first day of April succeeding his election. If a vacancy shall occur otherwise than by expiration of term in the office of any such trustee, the town board shall fill the same until the first day of April succeeding the next biennial town meeting, at which town meeting such vacancy shall be filled for the balance of the unexpired term. Such trustees and their successors in office, shall have power, with the consent of the town, to make the purchase and take the general charge of all the burying-grounds in the town, and make all necessary improvements and appoint all necessary sextons.

§ 2. This act shall take effect immediately.

Chap. 231.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the several acts amendatory thereof and supplementary thereto, in relation to the legislative department and department of finance.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section fourteen of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended to read as follows:

Local redemption fund.

§ 14. The common council may authorize the comptroller to open an account upon the books of his office, to be called the

local redemption fund. The comptroller shall, from time to time, transfer to such fund all the balances to the credit of local assessments levied on account of any local improvements ordered more than six years previous thereto, and may draw orders on such local redemption fund for the payment of any outstanding warrants drawn against assessments so transferred upon the surrender and cancellation of such outstanding warrants, or in case of loss or destruction thereof, upon filing a bond of indemnity to the city therefor. It may also empower the comptroller to close specified accounts on his books by charging the same to the profit and loss account. Such authority shall be given only upon his written request, specifying the account and the reason for such action. It may authorize an issue of bonds to an amount not exceeding one million five hundred thousand dollars, for the purpose of raising money to take up and pay all outstanding warrants heretofore issued in payment of any local work or improvement. Such bonds shall be payable at such time or times as the common council may prescribe, and shall bear interest not to exceed four per centum per annum. All moneys realized on account of local assessments or from sales for non-payment of the same, or from redemption or assignment of certificates of sales therefor, and all additions to and interest upon local assessments shall be paid into said local redemption fund, and such moneys when so realized shall be used and are hereby pledged for the payment of any bonds of the city issued for the purpose of redeeming warrants and of raising money to pay for any local work or improvement for the payment of which such bonds were issued.

Closing of
accounts.

Bonds for
redeeming
warrants.

Payments
into fund.

Moneys
pledged.

§ 2. Section sixty-eight of chapter one hundred and five of the laws of eighteen hundred and ninety-one is hereby amended to read as follows:

§ 68. The comptroller, on or before the first day of March in each year, shall also present to the board of aldermen an estimate of the amount necessary to be raised by general tax to carry on the city government, and to meet all the expenses and liabilities of the city for the next fiscal year, specifying in detail, and under separate and appropriate heads, the amount estimated for each department, or each office, or other purpose. In such estimate shall be included at least one hundred thousand dollars of the principal and the interest of the bonded debt of the city,

Annual
estimate of
comptroller
to alder-
men.

Amount for
bonds.

Moneys
realized,
how
applied.

due or to fall due within the next fiscal year. The comptroller is hereby permitted and directed to credit, apply and use all premium moneys heretofore realized upon the sale of bonds now credited to the local redemption fund of said city, as a resource of the city in the annual estimates of the city. Hereafter all premiums realized upon the sale of bonds shall be used and applied as a resource of the city in the annual estimates.

§ 3. This act shall take effect immediately.

Chap. 232.

AN ACT to amend the forest, fish and game law in relation to fishing through the ice in certain waters.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section fifty-nine of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws" is hereby amended to read as follows:

§ 59. **Exceptions to last section.**—Bullheads, catfish, eels, perch and sunfish, and except during the months of March and April pickerel may be taken through the ice with a hook and line or tip-up in Lake Keuka or Crooked lake, Queechy lake, or the waters of Sullivan, not inhabited by trout, and in Lake Neatahwanta, Oswego county; in Owasco lake from the head thereof to a line running across the lake from a ravine just south of the cottage now owned by E. C. Pulver on the west shore to the ravine just north of the cottage now owned by James Foster on the east shore thereof, and in Honeoye lake, Canadice lake and Conesus lake except in March and April; and by set lines through the ice in the Susquehanna river, and in the Chenango and Unadilla rivers and their tributaries in Chenango county during the same time.

§ 2. This act shall take effect immediately.

Chap. 233.

AN ACT to amend the charter of the city of Johnstown, relative to improvements payable wholly or partly by local assessments, and to opening, altering, extending and laying out streets.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-one of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the city of Johnstown," is hereby amended to read as follows:

§ 71. Improvements payable wholly or partly by local assessments.—The expenses of grading, filling, excavating, graveling, paving, renewing or repairing, asphaltting or macadamizing any street or portion of a street in said city shall be paid as follows: The owners of the property fronting or adjoining such street shall pay two-thirds of the expense of the aforesaid work, from the curbstone in front of such property to a line to be drawn two feet outside of the rail of the track of any street railway located on said street, and the remaining one-third of such expense shall be paid by the city out of the street fund; the owner or owners of said street railway shall pay the expense of said work between two parallel lines to be drawn two feet outside of each of the outside rails of the track or tracks of said street railway. Upon any street on or through which there is no street railway located the owner of the property fronting or adjoining such street shall pay two-thirds of the cost of the aforesaid work from curbstone in front of said property to the centre line of said street, and one-third shall be paid by the city out of the street fund. The expense of grading, filling, excavating, graveling, paving, renewing, asphaltting or macadamizing intersections of streets and repairing pavements and the expense of repairing and ordinary working of all streets shall be paid by the city out of the street fund, except that where a street railroad passes over any such intersection

the owner or owners of said street railroad shall pay the expense of said work between two parallel lines to be drawn two feet outside of each of the outside rails of the track or tracks of said street railway. When the entire surface of a street, or of any block upon any street shall be recovered, resurfaced or renewed, such work shall not be deemed repairing, under this section, and the expense thereof shall be paid in the same manner as if the whole was new work, pursuant to the foregoing provisions of this section. In the assessment for any improvement as hereinafter provided, and in the payment and collection of such assessment, the owner or owners of any street railway, located on any street or portion of a street on which such improvement is made, shall in all respects be treated the same as an adjoining property owner on the street, and all provisions of this act in regard to such assessments, and the collection thereof from property owners, and the payment by property owners of the expense of such improvements, shall apply to such owner or owners of such street railway; and such owner or owners of any such street railway shall not be at liberty, without the consent of the common council of the city, to furnish the materials or do the work for any such improvement. The expense of constructing sewers in said city shall be defrayed wholly by local assessment upon the property benefited thereby, unless the common council shall determine that the whole or any portion thereof is properly chargeable against the city at large, when it shall designate by resolution what part or proportion thereof is so properly chargeable, which part or proportion so designated, shall be paid by the city at large out of the sewer fund, and the then remaining portion of the expense, if any, shall be defrayed by local assessment upon the property benefited thereby. When the grade of a street has once been established by the city and such grade recorded and conformed to in the making of any local improvement, any change in the grade thereafter made must be made at the expense of the city.

§ 2. Section seventy-two of said chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 72. Declaration of intention to make local improvement.— No expenditures for any local improvement in said city, the expense of which is to be defrayed wholly or partly by local assessment, shall be incurred, unless the common council shall first by resolution declare its intention to make such local improvement. The common council may, by resolution, declare its intention to construct or repair sewers, gutters and sidewalks or to grade, fill, excavate, gravel, or sprinkle streets without preliminary petition therefor or consent thereto. The common council may also, by resolution adopted by the affirmative vote of at least two-thirds of all the aldermen in office and without preliminary petition therefor or consent thereto, declare its intention to cause any street, alley, lane, highway or public ground or place, or any part or parts thereof, in said city to be macadamized or remacadamized with such material and in such manner as it shall prescribe; and, if necessary, to be properly graded or regraded for the purpose of such macadamizing or remacadamizing the same, also, if necessary, to cause curbs and gutters, or any parts thereof, along the line of such macadamizing or remacadamizing to be set or paved, reset, renewed or repaved in such manner and of such materials as the common council may direct, such setting or resetting, and renewing of curbs and gutters, or either, or any part thereof, shall be included in and become a part of the proceedings and improvements of the macadamizing or remacadamizing of any such street, alley, public place or way made pursuant to this act, and in making the assessments as hereinafter provided all the improvements made as aforesaid shall be included therein. Otherwise, except as to the improvements mentioned in section eighty-one of this act, and as to which the provisions of this section are not applicable, the common council shall not declare its intention to make any local improvement, the expense of which is to be borne wholly or partially by local assessment, unless the owners of at least one-half of the total number of front feet linear measurement, or at least one-half in number of the owners of property on the street, or that part of a street, upon which the proposed improvement is to be made, petition therefor or consent thereto in writing, and a certificate of the city engineer be indorsed thereon or attached thereto, to the effect that he has examined such petition or consent, and that such required number of property

owners have signed the same, which certificate shall be prima facie evidence of the facts therein contained; but the owner or owners of any street railway shall not be considered or counted by the city engineer, as owner or owners, in examining the aforesaid petition or consent or making the aforesaid certificate. Whenever the common council shall deem it necessary to cause curbs to be set or reset or renewed, or any part thereof, on and along any street or portion thereof which is to be paved or asphalted, or on which the pavement or asphaltting is to be renewed, such setting or resetting or renewing of curbs, or any part thereof, shall be included in and become a part of the proceedings and improvements of paving or asphaltting, or renewing of the paving or asphaltting of such street or part of a street, and in making the assessments as hereinafter provided such curbing shall be included therein.

§ 3. Section seventy-three of said chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 73. District of assessment.—After the common council shall have declared its intention to make any such local improvement, except as to gutters, sidewalks and sprinkling streets, and except as to any of the improvements mentioned in section eighty-one of this act, and as to which the provisions of this section are not applicable, before ordering the same done the common council shall establish a district of assessment, which shall contain all the property which, in the judgment of the common council, is likely to be benefited by such local improvement, and may at any time enlarge said district, and cause notices to be published and served upon all persons within such enlargement. As to gutters, sidewalks and sprinkling streets, the common council may establish a district of assessment or not in its discretion.

§ 4. Section seventy-four of said chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 74. Special provisions as to sewers.—Each resolution of the common council declaring its intention to construct a sewer shall specify therein the two points between which it is proposed to construct the same, the size thereof, and the materials of which it is proposed to be constructed. The city engineer

shall forthwith, on the passage of any such resolution, make a survey and prepare a map showing all the property within the city likely to be benefited by such sewer, and a profile thereof, and an estimate of the materials required, the total cost of constructing such sewer, and shall file such map, profile and estimate with the city clerk before the city clerk shall publish or serve notices of the proposed construction of such sewer. The common council may order sewers for the drainage of streets, cellars, buildings, lots, pools, vaults, or for any other proper sewerage purpose to be constructed in any street, and, with the consent of the owners in, upon or across any real property outside of a street. If the common council shall declare its intention to construct any sewer in, upon or across the real property outside of the streets of said city, and the owners of such real property shall not consent thereto, and the city is unable to agree with the owners of such real property upon the compensation to be made therefor, the common council, in the name and behalf of the city, may acquire the title, easement or right in or to such real property for such sewer by condemnation, in pursuance of the condemnation law, chapter twenty-three of the code of civil procedure. The costs and expenses of such condemnation proceedings, together with the compensation paid to the owner or owners of such real property for such right, title or easement, shall be a part of the expense of the sewer for which the land, right or easement was acquired. Such sums for inspection of the sewer as the officer making the local assessment shall allow, based upon the actual cost thereof, shall be included in the expense of constructing the sewer.

§ 5. Section seventy-six of said chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 76. Objections to improvements and decision thereon.—Objections to such improvement must be made in writing and filed with the city clerk within the time specified in such notice, and the common council may, at any regular meeting within two months after the expiration of such ten days, subject to the mayor's veto as in other cases, order the improvement to be made; but the provisions of this section shall not apply to any of the improvements mentioned in section eighty-one of this act.

§ 6. Section seventy-seven of said chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 77. **Expenses, by whom assessed.**—Upon the certificate of the city engineer that the work of any local improvement has been completed, excepting it be any of the improvements mentioned in section eighty-one of this act, as to which the provisions of this section are not applicable, the common council shall direct the cost thereof to be assessed by the city engineer; and it shall be the duty of said engineer to immediately assess the cost of such local improvement upon the property lying within the district of assessment declared for such improvement, if one has been established, and if not, then upon the property abutting upon such improvement in an equitable manner, as near as may be, in proportion to the benefits which each owner of such property may be deemed to derive therefrom, without reference to erections or improvements thereon; and when such local improvement consists of a sewer across real property outside of the streets of said city, and the city has acquired by purchase or condemnation the title, easement or right to such real property, said city engineer shall assess such part or proportion of the cost thereof upon the said city and such part locally as shall be designated by the common council. Except as herein otherwise provided, the cost of any local improvement shall be deemed to include the entire expense thereof (including inspection), except the engineering and publishing and serving notices. When the city engineer is disqualified to act by reason of owning or being interested in any real property within the district of assessment or by reason of relationship to any of the parties likely to be affected by the assessment therein for such local improvement, by consanguinity or affinity, within the sixth degree, to be determined in the same manner as in the case of a judge, or unable to act, his duties with reference to such assessment shall devolve upon and be performed by the city assessor.

§ 7. Section eighty-one of said chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five is hereby amended to read as follows:

§ 81. **Opening, altering, extending and laying out streets, et cetera.**—The common council shall have power to lay

out, make, open and construct streets, lanes, highways and public grounds and places in said city, and to alter, widen, contract, straighten, extend or discontinue any street, lane, highway, public ground or place in said city; and whenever said common council shall have determined to so lay out, make, open, construct, alter, widen, contract, straighten, extend or discontinue any street, lane, highway, public ground or place in said city and to take and appropriate the land necessary for the same, and shall have determined to assess the expense and damage incurred and occasioned thereby in the manner hereinafter provided, it shall immediately cause a survey or surveys and profiles to be made of such street, lane, highway, public ground or place, and of the adjoining or abutting premises affected by such improvement so determined upon, and a map to be made thereof showing the then situation of the same and the changes so determined upon, and file the same in the clerk's office of said city; and for the purpose of making such survey or surveys said common council and those acting by its direction shall have power to enter upon any grounds in said city; the common council shall then give notice of such determination to the owner or owners of the lands to be taken and appropriated and affected by said improvement, by publishing the same once in each week for two consecutive weeks in the official newspapers of said city; such notice shall specify in general terms the improvement to be made and shall state that such owner or owners, on or before a day to be therein specified, may file their claims for damages, if any they have, on account of such taking or appropriation and improvement with the clerk of said city; that such claims shall be in writing, subscribed by the claimant, and in case any claim for damages shall be filed as aforesaid the common council will apply, at a time and place to be specified in said notice, to a special term of the supreme court of the state of New York in the judicial district in which said city of Johnstown is situated, or to the county court of Fulton county, for the appointment of three commissioners to ascertain and assess the damages so claimed. In case no claim for damages shall be filed, as above provided, each owner or owners shall be deemed to have waived all claim to damages and to have consented and agreed to such improvement. If any

such claim shall have been filed as aforesaid, the common council, at the time and place in said notice specified, and to the court therein named, shall make application to said court for the appointment of such commissioners, and any person who shall have filed such claims shall have a right to be heard on such application; the court so applied to shall appoint three commissioners who shall enter upon the performance of their duties without delay, shall each take and subscribe an oath before some officer authorized to administer oaths, faithfully, honestly and impartially to perform his duty in making such ascertainment and assessment according to the best of his ability, and said commissioners shall give notice of the time and place of their meeting to make such ascertainment and assessment by publishing the same once in the official newspapers of said city. At the time and place so appointed for the meeting, they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day; they shall determine and award to the owner or owners so claiming damages as aforesaid, such damages, if any, as in their judgment such owners will sustain by reason of such improvement being made, after making due allowance for any benefit such owner or owners may derive therefrom. They shall at the same time assess and apportion the said damages, if any, on account of the making of such improvement, on the real estate, and against the persons benefited thereby, as nearly as may be in proportion to the benefit resulting therefrom; but if the whole of such damages cannot justly and equitably be assessed upon the real estate as above provided, in the judgment of said commissioners, then the said commissioners shall assess only such portion thereon as in their opinion will be equitable and just, and the balance thereof shall be paid out of the street fund of said city, and said commissioners shall so state in their determination. The said commissioners shall briefly describe the real estate upon which any assessment is so made by them, and shall designate the owner or owners of the several parcels of the said real estate, and what parcels, if any, are owned by non-residents, according to the best information they can obtain. If there be any building taken for such improvement, the value thereof to remove shall be ascertained by said commissioners and stated in their determination, and the owner thereof may

remove the same within ten days, or such other time as the common council may allow after confirmation of the assessment and return of the commissioners; and if the same be so removed the value thereof as ascertained by said commissioners shall be deducted from any damages awarded such owner; if such building be not so removed by the owner within the time aforesaid, it may be sold by the common council, at public auction to the highest bidder, and removed by the purchaser at such sale within a time to be fixed by the common council, and the proceeds of such sale shall be paid to the city chamberlain of said city and by him placed in the street fund, and applied towards the moneys required for making such improvement. The determination and assessment of the commissioners, signed by all of them, shall be returned to the common council within twenty days after their appointment, but the time during which an injunction shall prevent any action in regard to said improvement, and the time during which any appeal from any order of a court, or any determination of the common council, in the proceeding for the making of said improvement or in relation thereto, shall be pending and undetermined, shall form no part of the said twenty days. If any of the commissioners shall be unable to serve or continue in service from sickness or other cause, the common council may at any time without further notice make application to the court which appointed said commissioners to have some suitable person appointed in his stead, and such court shall thereupon make such appointment; and said commissioners shall proceed in the same manner as if no such change in the commissioners originally appointed had been made, but in case of such disability and the appointment as above provided of another commissioner, the time between the occurring of such disability and the appointment of a new commissioner, shall form no part of the twenty days within which it is above provided said commissioners must return their determination and assessment to the common council.

§ 8. Section eighty-two of said chapter five hundred sixty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 82. Confirmation or annulment of assessment et cetera.— After the determination and assessment of the commissioners provided for in the preceding section shall be

returned to the common council, it shall give notice by publishing the same once in the official newspapers of said city, that at a time and place to be specified in said notice, the same may be confirmed by said common council, unless objection thereto be made by some interested person. All such objections shall be made in writing and filed with the city clerk. If no objection shall have been filed, such determination and assessment may be confirmed by said common council at the time and place named in the aforesaid notice, and the same if confirmed shall be final and conclusive; but if objection shall have been filed as aforesaid, the persons so filing the same shall have a right to be heard in regard thereto on the day specified in said notice, or on such day or days as the common council may appoint; and said common council shall thereupon either confirm such determination and assessment or annul the same. If the common council confirm the same it shall be final and conclusive; but if the common council annul the same it shall refer the matter back to the same commissioners, or to three others to be appointed upon application, without notice, by one of the courts authorized to appoint the original commissioners as provided in the preceding section. The commissioners to whom such matter shall be so referred back, or the commissioners so appointed to again make such determination and assessment shall proceed in all things in the making and returning of the second determination and assessment as though it were the first, and as in the preceding section provided and prescribed, and the common council shall proceed thereon as though it were the original determination and assessment. If the common council shall confirm the second determination and assessment, the same shall be final and conclusive on all parties interested; but if it annul the same, then all proceedings in regard to the matter shall be void.

§ 9. Section eighty-three of said chapter five hundred sixty-eight of the laws of eighteen hundred and ninety-five is hereby amended to read as follows:

§ 83. Authorizing improvements provided for in section eighty-one, collection of assessments, payment of awards et cetera.—After the final determination and assessment provided for in sections eighty-one and eighty-two of this act shall have been confirmed by the common council, the same shall be filed in the office

of the city clerk, and thereupon said common council may authorize said improvements to be made and completed. The commissioner appointed as in sections eighty-one and eighty-two of this act provided shall each be allowed and paid three dollars for each day actually and necessarily employed in and about their duties; and such compensation and fees and the charges of surveyors and other necessary costs and expenses (all of which shall be audited by the common council), shall be considered part of the expenses of such improvement, and shall be assessed with and as a part of the damages as provided in sections eighty-one and eighty-two of this act. In all cases where the whole of any real estate subject to any lease or agreement shall be taken for such improvements, all the covenants and stipulations contained in such agreement shall upon the final confirmation of the proceeding for such improvement, and the direction by the common council to make the same, determine, and be absolutely void, and in case where a part only of such real estate shall be taken, the said covenants and stipulations shall be discharged only as to the part so taken, and the county court of Fulton county may on application in writing of either or any of the parties interested in such lease or agreement appoint three disinterested freeholders to determine the rents, payments, and conditions which shall thereafter be paid and performed under such lease or agreement in respect to the residue of such real estate; and the report of the freeholders, or any two of them, on being confirmed by said court, shall be binding and conclusive upon all parties interested in such real estate. The assessment made by such commissioners as in said sections eighty-one and eighty-two of this act provided shall conform as nearly as may be to the special assessment-rolls made by the common council as provided by this act. Immediately upon the confirmation of such assessment, the same, together with a duplicate thereof, shall be filed with the city clerk, and both shall be deemed originals; to one of said rolls shall be annexed a warrant signed by the mayor and a majority of the aldermen in office for the collection of said assessment, and delivered to the city chamberlain of said city for collection; and to the other shall be annexed a copy of said warrant, with a receipt by the said chamberlain acknowledging the receipt of said assessment-roll and warrant. The said assessments shall constitute a lien upon the

lands and premises respectively upon, or for, or in respect of which they shall be made. Such assessments shall be collected by the said chamberlain in the same manner and with the same fees and within the same time as prescribed by section eighty of this act for the collection of the assessments in said section referred to; but the provisions of sections seventy-eight and seventy-nine of this act, and of said section eighty, save only as hereinabove provided for the collection of the assessments therefor, shall not be applicable to the assessments for the improvements mentioned in section eighty-one of this act. From the assessments so collected, if sufficient, and if any deficiency therein from the street fund, each award shall be paid to the person entitled thereto after the expiration of ninety days from the final confirmation of said award and assessments, and it shall not draw interest until two days after a demand in writing, for a payment thereof, after the expiration of said ninety days, shall be made to the city clerk and filed with him. The common council shall issue its orders upon the chamberlain for the payment of said awards to the several persons entitled thereto. When there are infants or other incompetent persons owners, whose property is affected by any improvement provided for by section eighty-one of this act, the court to whom application for the appointment of commissioners is made or a judge or justice thereof, shall appoint guardians ad litem therefor to protect the rights and interests of said incompetent persons.

§ 10. Section eighty-nine of said chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety-five as added by chapter six hundred and ninety-two of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 89. Provisions for improved pavements; issue of bonds therefor. —Whenever the common council, in accordance with the provisions of this act, shall have declared its intention to pave or repave with asphalt, granite or other improved pavement, any street or part of a street, if the pavement which the common council shall decide upon or direct for any such street or part of a street, shall be required to be of material costing one dollar and fifty cents per square yard or upwards, or, whenever the common council, in accordance with the provisions of this act, shall have declared its intention to pave or repave, or

to macadamize any street or part of a street, and the pavement or macadamizing which the common council shall decide upon or direct for any such street or part of a street, shall be of material costing less than one dollar and fifty cents per square yard, and the common council shall also, by resolution adopted by a two-thirds affirmative vote of all the aldermen in office, declare that all the provisions of this section shall apply to the making of such improvement, the assessment of the cost thereof and the payment of such assessment, the common council shall authorize and direct the city engineer to make all necessary surveys and establish all grades, and prepare all necessary plans and specifications for such improvement, and he shall have charge of and superintend the same until its completion, and furnish an estimate of the probable cost and expense of such improvement. A map showing the surveys made and grades established, together with the plans and specifications adopted by the common council, shall be filed with the city clerk.

a. After the adoption of the plans and specifications as herein provided and the determination of the kind and quality of materials to be used in making such improvement, the common council shall advertise and receive sealed proposals therefor, in such manner as the common council shall prescribe, and the contract therefor shall be let to the lowest responsible bidder who shall comply with the requirements of the common council, in giving a satisfactory bond for the faithful performance of the contract, and indemnifying the city from damages arising out of the performance thereof.

b. The common council shall, within a reasonable time after the completion of such improvement, direct the cost thereof to be assessed by the city engineer, or in case of his disqualification, by the city assessor, as provided in section seventy-seven of this act. The cost of such improvement shall be assessed as provided in section seventy-one of this act, and sections seventy-eight, seventy-nine and eighty of this act shall apply to the making of such assessment and the collection thereof, except as otherwise provided in this section.

c. The common council shall thereupon, by resolution, extend or defer the time for the payment of the assessments made on account of such improvement and make the same payable in five equal annual installments. The first installment shall be pay-

able immediately after the delivery of the first warrant for the collection thereof to the city chamberlain, and the remaining installments shall be payable each successive year thereafter on warrants issued for the collection thereof, with interest on the whole amount of such assessment remaining unpaid, at the same rate as is provided in the bonds or certificates of indebtedness hereinafter mentioned from the twentieth day after the first warrant is so delivered to the chamberlain, payable with each of said installments, and every installment of such assessment with accrued interest thereon shall be a lien upon the real estate against which the same was assessed, as in the case of other assessments. The proceeds of all assessments and taxes collected by the chamberlain of the persons assessed, as provided in this section, shall be applied to the payment of the bonds or certificates of indebtedness hereinafter provided for, and the interest thereon, as the same shall become due; and, in no case, shall the proceeds of such taxes or assessments be used for any other purpose than the payment of said bonds or certificates of indebtedness and the interest thereon, except the first installment thereof, which shall be applied to the payment of the cost of such improvement.

d. One-fifth of such portion of the cost of such improvement as, under the provisions of section seventy-one of this act, is payable by the city, shall be paid by the common council out of the street fund of said city, levied and collected for the year in which such improvement is made, and one-fifth of the city's portion of the cost of such improvement, with interest on the bonds or certificates of indebtedness issued to provide for the payment of the remaining four-fifths of the city's portion of the cost of such improvement, as hereinafter provided, remaining outstanding and unpaid, shall be appropriated from the city taxes raised annually each year thereafter, until the city's portion of such improvement has been provided for, and transferred by the common council from the street fund to the pavement fund, and used and applied by the common council in paying and cancelling the bonds or certificates of indebtedness issued pursuant to this section and the interest thereon.

e. To provide for the payment of the remaining four-fifths of that portion of the cost of such improvement as, under section seventy-one of this act, is payable by the city, and to provide

funds for the payment of such portion of the cost of such improvement as shall have been locally assessed as herein provided and remains unpaid, the said common council is hereby authorized and empowered to borrow upon the faith and credit of the city such money as may be necessary, to the extent of four-fifths of the total cost of such improvement, and to cause the issue of bonds or certificates of indebtedness of said city, to the extent that said city is authorized to issue bonds or certificates of indebtedness, which shall become due and payable at such times and in such amounts as such local assessments before specified shall become due and payable, and as such portion of the cost of such improvement as is payable by the city is provided herein to be raised, as near as may be practicable, which bonds or certificates of indebtedness shall bear interest at a rate not exceeding five per centum per annum. Such bonds or certificates of indebtedness, when issued, shall be binding upon the city, and shall contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence in any court of the validity thereof and of the regularity of the issue. Each of said bonds or certificates of indebtedness shall be signed by the mayor and countersigned by the clerk and the city chamberlain of said city, and shall be delivered, when issued, to the city chamberlain of said city, and shall be by him sold, at public sale, by sealed proposals, to the highest bidder therefor, but for not less than their par value and accrued interest, and the proceeds thereof shall be used in paying for such improvement provided for in this section, and as herein provided, and for no other purpose. A record of said bonds or certificates of indebtedness shall be kept by the city clerk in the manner required by sections nine and ten of the general municipal law. All moneys derived from the sale of said bonds or certificates of indebtedness shall be kept by the chamberlain of said city as a separate fund, designated as the pavement fund, and all moneys paid from said fund shall be upon the warrants of the common council, signed by the mayor, countersigned by the city clerk, and accepted by the city chamberlain of said city, payable at the bank where the fund upon which they are drawn is deposited.

f. If any of said installments, so locally assessed, or any part thereof, either principal or interest, shall remain unpaid for

sixty days after the time of the delivery of the warrant for the collection thereof to the chamberlain, then and in that case, the whole amount of such unpaid assessment, together with the interest thereon for the full time for which such payments were extended or deferred, against the defaulting party, shall, at the option of the common council, become due and payable immediately after the default so made, and the common council shall, by its warrant, command the said chamberlain to collect the same, with interest, costs and fees, immediately, and the same shall be collected in the manner provided by this act for the collection of assessments for other local improvements.

g. No action to set aside, cancel or annul any assessment made under the provisions of this section shall be maintained by any person, unless such action shall have been commenced within thirty days after the delivery to the city chamberlain of the first assessment-roll and warrant as provided in this act, and unless within thirty days an injunction shall have been procured by such person from a court of competent jurisdiction restraining the common council from issuing bonds or certificates of indebtedness as hereinbefore provided.

§ 11. This act shall take effect immediately.

Chap. 234.

AN ACT to amend the county law, in relation to the salary of the county judge of Suffolk county.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County law
amended.

Section 1. Subdivision forty-nine of section two hundred and twenty-two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

Subdivision.	Name of county.	Salary of county judge.	Salary of surrogate.
49.....	Suffolk.....	\$2,000.00	\$3,000.00

§ 2. This act shall take effect on the first day of January, nineteen hundred and three.

Chap. 235.

AN ACT to empower the city of Cohoes to acquire an isolation hospital for the said city.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The local board of health, in and for the city of Cohoes, is hereby authorized and empowered to acquire, by purchase in the name of, and for, the city of Cohoes, pursuant to the terms of the option and agreement with the owner thereof under which the same are now occupied by said board, the real estate and buildings erected thereon, situated north of Vliet street and west of Edward street in said city, and now and heretofore occupied by said board as an isolation hospital, being the same premises described in a deed thereof dated May fourth, nineteen hundred and one, and recorded in Albany county clerk's office in book number five hundred and seventeen of deeds, at page three hundred and eighty-four. The purchase price of said premises shall not exceed the sum of three thousand dollars and interest thereon from May fourth, nineteen hundred and one, the date of said agreement and of occupancy thereunder. Such purchase shall be made only after the approval by the city attorney, of the title to the said real estate; and it shall be his duty to examine and approve of the same upon competent proof of the validity thereof. After the purchase thereof, as aforesaid, said real estate and property shall continue in the care, custody and control of said board of health, and, as often as and whenever the public health so

Board of health authorized to acquire real estate.

Purchase price.

City attorney to examine title.

Property
to be used
as an
isolation
hospital.

requires, shall be used as an isolation hospital for the isolation, care and treatment of persons within said city who may be or become attacked with, or who may, from time to time, be suffering from, contagious or infectious diseases dangerous to the public health; and said board of health shall have power, from time to time, to make all necessary repairs and additions to, and improvements of, said property, and to properly furnish and equip the said hospital buildings, the expense whereof shall be borne and paid by the said city of Cohoes in the same manner as other expenses incurred by said board of health are now borne and paid. The title to said property, when acquired, shall be and remain in the city of Cohoes.

Common
council
authorized
to borrow
money and
issue certi-
ficates of in-
debtedness.

§ 2. Immediately upon the passage of this act the common council of the city of Cohoes is authorized and directed to borrow upon the faith and credit of said city and to issue its certificates of indebtedness therefor, such sum as may be certified by said board of health to be necessary to effect the purchase mentioned in section one hereof. Said certificates of indebtedness shall be sealed with the seal of said city and signed by the mayor and clerk thereof, and shall be payable with interest, at a rate not to exceed four per centum per annum, not less than one year nor more than two years from the date thereof, and shall be sold by the chamberlain of said city, at his office in said city, for not less than the par value thereof, at such times and in such manner as the common council shall direct; and the proceeds of such sale shall be deposited by said chamberlain to the credit of a fund applicable solely to the purchase mentioned in section one hereof; except that any part or portion of said money, for which certificates of indebtedness shall be issued, remaining after the expenditure required by section one hereof, shall be paid into the contingent fund of the common council. Said common council shall provide for the payment of said certificates of indebtedness by levying and collecting, in the same manner as other city taxes are levied and collected, such additional sum or sums as may be sufficient to pay said certificates and interest thereon upon their maturity.

When
payable.

Proceeds,
how
applied.

§ 3. This act shall take effect immediately.

Chap. 236.

AN ACT to authorize the village of Kinderhook, in Columbia county, to contract for lighting the streets, highways, public grounds and public buildings in said village by gas, electricity or other substance, and to raise the money to pay for the same by tax upon the adoption of a proposition therefor.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Kinderhook, in Columbia county, may from time to time contract, in the name of the village, with an individual or corporation, for lighting the streets, highways, public grounds and public buildings of the village by gas, electricity or other substance; but such contract shall not be made for a period longer than five years, nor at an expense for each fiscal year exceeding two and one-half mills on every dollar of taxable property of the village as appears on the last preceding assessment roll, unless authorized at a village election. The amount of such contract shall be paid in monthly installments.

Trustees
authorized
to contract
for lighting
purposes.

§ 2. The trustees of said village, upon the adoption of a proposition therefor at an annual village election or at a special village election called by them for such purpose, are authorized, in addition to the powers conferred upon them by law, to levy a tax, to be assessed from time to time upon the taxable property in said village in the same manner as other village charges are levied and assessed, to raise annually the amount specified in such proposition to pay for lighting the streets, highways, public grounds and public buildings of the said village by gas, electricity or other substance.

Tax

§ 3. This act shall take effect immediately.

Chap. 237.

AN ACT authorizing the sale of the property and franchises of the Lewiston connecting bridge company to international railway company.

Became a law, March 26, 1902, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporation
authorized
to sell its
property
and
franchises.

Section 1. Lewiston connecting bridge company, a corporation organized and existing by virtue of chapter three hundred forty of the laws of eighteen hundred ninety-six, may, with the consent of all its shareholders, sell and convey its property, rights, privileges and franchises unto international railway company, a corporation existing under the laws of the state of New York, and said international railway company its successors and assigns, may take, hold and enjoy said property, rights, privileges and franchises as fully as the same were held and enjoyed by said Lewiston connecting bridge company; provided however, that said purchasing corporation shall assume and agree to pay all debts and liabilities of said Lewiston connecting bridge company.

Dissolution.

§ 2. Upon the execution and delivery of an instrument of conveyance of said property and franchises, said Lewiston connecting bridge company shall be dissolved, and all its property, powers and franchises shall be vested in said international railway company.

§ 3. This act shall take effect immediately.

Chap. 238.

AN ACT to repeal section one hundred and one of the canal law, being chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four, relative to proceedings for non-payment of rent of surplus waters of Black Rock harbor.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and one of the canal law, Section repealed. being chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 239.

AN ACT to provide for the holding of town meetings and elections in counties of the state having a certain population.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The next town meeting at which town officers shall be elected in any county of the state having a population of over Town meetings or elections. seventy-one thousand inhabitants and less than seventy-five thousand inhabitants, according to the last federal enumeration, shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred and three and biennially thereafter, at the same places as general elections in such towns are held. No person shall be entitled to vote at any such town meeting or election unless he is registered and entitled to vote Qualifications of electors. at the general election held at the same time that such town meeting is held. All elective town officers shall be elected at such general election in the same manner and on the same ballot as other officers who may be elected thereat. Certificates Certificate of nomination. of nomination of candidates for a town office in any such towns

shall be in duplicate, one of which shall be filed with the town clerk of the town, and the other with the clerk of the county wherein such town is located, and if nominated by a political party, at least twenty days and not more than thirty days before such town meeting and election is held, or, if independent nominations, at least fifteen days and not more than thirty days prior thereto. The ballots prepared by the county clerk shall include the names of all candidates nominated for town officers in any such towns. The county clerk shall apportion to and charge the several towns in any of such counties with their respective proportionate shares of the expenses of the preparation and distribution of such ballots.

Ballots.

Ballots for
submission
of ques-
tions.

§ 2. Ballots for the submission of questions or propositions relating to town affairs shall be prepared and furnished at the expense of the town by the clerk thereof, as provided in the election law. Such ballots shall be distributed by the town clerk at the same time and in the same manner as are other ballots to be voted at a general election. An additional ballot box shall be provided, marked "box for town propositions," in which shall be deposited the ballots cast on town propositions or questions.

Canvass of
votes by
inspectors.

§ 3. At the close of the polls at any such biennial town meeting and election in any such town the inspectors of election shall proceed to canvass the votes for the candidates for the several town offices, and for and against all town propositions duly submitted to the voters of such town in the election districts where such meeting and election was held, in the same manner as the votes for other candidates and propositions cast at the general election are canvassed. The inspectors of election shall perform the same duties with respect to the canvass of the vote and the filing of the returns thereof for such town officers, and all other matters pertaining to the determination of the result of the election as is now provided by law, with respect to the canvass of the votes cast at a general election.

Canvass by
county
board of
canvassers.

All provisions of law relating to the canvass of votes cast at a general election by the county board of canvassers, to the correction of clerical errors, the review of the determination by such board of canvassers, and all other matters pertaining to the canvass of the votes cast at a general election, shall be applicable to the canvass of all votes for such town officers and

propositions. The county clerk of any such county shall transmit to the clerk of each town therein a certified copy of the determination of the county board of canvassers as to the election of each town officer and proposition voted for at the town meeting and election held in such town. The county clerk of any such county shall transmit to each person declared by the board of canvassers thereof to be elected to a town office therein, a certificate of the determination of such board. No list of nominations of candidates for town offices to be filled at any such biennial town meeting and election, or the result of the official canvass of the vote cast thereat, shall be required to be published. All the provisions of the election law not inconsistent with the provisions of this act shall apply to and govern town meetings and elections held as provided herein.

Determinations filed with town clerk.

Certificate of election.

Election law applicable.

§ 4. There shall be elected at the town meeting and election to be held in each town in any such county on the first Tuesday after the first Monday of November, in the year nineteen hundred and three, and biennially thereafter, one supervisor, one town clerk, three assessors, one or three commissioners of highways, one collector, one or two overseers of the poor and not more than five constables. The persons first elected to the various offices above mentioned shall enter upon the discharge of their duties on the first day of January, nineteen hundred and four, and serve until and including December thirty-first, nineteen hundred and five. Their successors shall be elected at the biennial election and town meeting held in nineteen hundred and five and biennially thereafter, for the term of two years commencing on the first day of January, succeeding their election. There shall also be elected at such town meeting and election and biennially thereafter, two justices of the peace for terms of four years, beginning on the succeeding first day of January. The collectors elected at such town meetings and elections shall enter upon the discharge of their duties after their predecessors have completed the duties of their offices, in respect to the collection of taxes and returns thereof, as now prescribed by law.

Election and terms of officers.

§ 5. This act shall take effect immediately.

Chap. 240.

AN ACT to amend the agricultural law, relating to the distribution of moneys for the promotion of sugar beet culture and making an appropriation therefor.

Became a law, March 26, 1902, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Agricultural law amended.

Section 1. Section seventy-six of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as inserted by chapter five hundred of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 76. Distribution of moneys by commissioner of agriculture.—On or before the first day of February in each year the commissioner of agriculture shall prepare a detailed statement of the quantity of sugar manufactured by each person, firm or association or corporation entitled to receive a portion of the moneys appropriated for the promotion and encouragement of sugar beet culture. He shall apportion to each such person, firm, association or corporation the moneys so appropriated according to the amount of sugar of the grade described in this article manufactured by each of them, during the preceding year. One-half of one cent a pound shall be paid on account of the sugar so manufactured during the season of nineteen hundred and two, one-half of one cent a pound shall be paid on account of the sugar so manufactured during the season of nineteen hundred and three, and one-half of one cent a pound shall be paid for the sugar so manufactured during the season of nineteen hundred and four. Such commissioner of agriculture shall certify to the comptroller the amount apportioned to each manufacturer of sugar according to the provisions of this article; and the comptroller shall draw his warrant upon the state treasurer for the amount so certified, payable to the party or parties to whom such apportionment was made.

§ 2. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, to be paid in the manner prescribed by article five of the agricultural law, as inserted by chapter five hundred of the laws of eighteen hundred and ninety-seven and as above amended. Of such amount the commissioner of agriculture may expend such sum or sums as he may deem necessary, not exceeding the sum of five thousand dollars, in promoting by instruction, or otherwise, and encouraging the proper and economic cultivation of sugar beets. There shall be paid to the manufacturers of beet sugar, in the state of New York, of the moneys hereby appropriated, such sum as may be necessary to pay one-half cent a pound on beet sugar manufactured during the season of nineteen hundred and two, which sum shall be distributed in accordance with the provisions of article five of the agricultural law as inserted by chapter five hundred of the laws of eighteen hundred and ninety-seven and as hereby amended.

§ 3. This act shall take effect immediately.

Chap. 241.

AN ACT to amend section fifty-eight of the election law, entitled "An act in relation to elections, constituting chapter six of the general laws," relating to places of filing certificates of nomination.

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-eight of the election law entitled "An act in relation to the elections, constituting chapter six of the general laws" as amended by chapter ninety-five of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

§ 58. Places of filing certificates of nomination.—Certificates of nomination of candidates for office to be filled by the electors of the entire state, or of any division or district greater than a

Election
law
amended.

county, shall be filed with the secretary of state, except that each certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton, shall be filed in the office of the county clerk of Fulton county, and a copy thereof certified by the county clerk of Fulton county, shall be filed in the office of the county clerk of Hamilton county, so long as the said counties constitute one assembly district, and except that certificates of nomination of candidates for offices to be filled only by the electors or a portion of the electors of the city of New York shall be filed with the board of elections of the city of New York. Certificates of nominations of candidates for offices to be filled only by the votes of electors, part of whom are of New York city and part of whom are of a county not wholly within the city of New York, shall be filed with the clerk of such county and in the office of the board of elections of said city. Certificates of nomination of candidates for offices of any other city to be elected at the same time at which a general election is held shall be filed with the clerk of the county in which such city is located. Certificates of nomination of candidates for offices of a city, village or town to be elected at a different time from a general election, shall be filed with the clerk of such city, village or town respectively. Certificates of nomination of candidates for town offices shall be filed with the town clerk except in such counties which have a special law for filing certificates of nomination of candidates for town offices with the county clerk. All other certificates of nomination shall be filed with the clerk of the county in which the candidates so nominated are to be voted for. All certificates and corrected certificates of nomination, all objections to such certificates and all declination of nominations are hereby declared to be public records; and it shall be the duty of every officer or board to exhibit, without delay, every such paper or papers to any person who shall request to see the same. It shall also be the duty of each such officer or board to keep a book which shall be open to public inspection, in which shall be correctly recorded the names of all candidates nominated by the certificates filed in the office of such officer or board, or certified thereto, the title of the office for which any such nomination is made, the political or other

name and emblem of the political party or independent body making such nomination, and in which shall also be stated all declinations of nominations or objections to nominations, and the time of filing each of said papers.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT to amend the highway law, relating to penalties for neglect to pay highway taxes.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-five of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," is hereby amended to read as follows:

Highway
law
amended.

§ 65. Penalties for neglect to work or commute.—Every person or corporation assessed highway labor, who shall not commute, and who shall not appear and work when duly notified, shall be liable to a penalty of one dollar and fifty cents for every day he shall so fail to appear and work; and for wholly omitting to comply with any requisition to furnish a team, cart, wagon, implements and man, he shall be liable to a penalty of five dollars for each day's omission, and for omitting to furnish either a cart, wagon, plow, team or man to manage the team, he shall be liable to a penalty of one dollar and fifty cents for each day's omission; and if any person shall after appearing, remain idle, or not work faithfully, or hinder others from working, he shall be liable to a penalty at the rate of one dollar and fifty cents a day, for each hour. In those towns in which the money system of taxation has been adopted, any person who is taxed a poll tax for highway purposes as provided in section fifty-three of this chapter, and who does not pay such tax in the manner and at the time, prescribed by law, shall be liable to a penalty of five dollars. The penalties herein imposed, may

be recovered by action by the overseer of highways as such, or by the highway commissioner in those towns having no such overseers, and, when collected, shall be expended and disposed of by the overseer or commissioner in the same manner as commutation moneys. The penalties, when recovered, shall be applied in satisfaction of the labor assessed, for omission to perform which, the penalties were respectively imposed. The overseer of highways may excuse any omission to perform labor when required, if a satisfactory reason shall be given therefor; but the acceptance of any such excuse shall not exempt the person excused from commuting for, or working the whole number of days for which he shall have been assessed during the year.

§ 2. This act shall take effect immediately.

Chap. 243.

AN ACT to amend the public health law, relative to admission to examination in certain medical studies.

Became a law, March 23, 1902, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Public
health law
amended.

Section 1. Subdivision four of section one hundred forty-five of chapter six hundred sixty-one of the laws of eighteen hundred ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter six hundred forty-six of the laws of nineteen hundred one, is hereby amended to read as follows:

Admission
to examina-
tions.

4. Has studied medicine not less than four full school years of at least nine months each, including four satisfactory courses of at least six months each, in four different calendar years in a medical school registered as maintaining at the time a satisfactory standard. New York medical schools and New York medical students shall not be discriminated against by the registration of any medical school out of the state, whose minimum graduation standard is less than that fixed by statutes for New York medical schools. The regents may, in their discretion, accept as the equivalent for any part of the third and

fourth requirement, evidence of five or more years' reputable practice, provided that such substitution be specified in the license, and as the equivalent of the first year of the fourth requirement evidence of graduation from a registered college course, provided that such college course shall have included not less than the minimum requirements prescribed by the regents for such admission to advanced standing. The regents may also in their discretion admit conditionally to the examination in anatomy, physiology and hygiene, and chemistry, applicants nineteen years of age certified as having studied medicine not less than two full years of at least nine months each, including two satisfactory courses of at least six months each, in two different calendar years, in a medical school registered as maintaining at the time a satisfactory standard, provided that such applicants meet the second and third requirements.

§ 2. This act shall take effect immediately.

Chap. 244.

AN ACT to amend section two of chapter four hundred and forty of the laws of eighteen hundred and ninety-six, entitled "An act to facilitate the identification of criminals," by increasing the amount to be spent annually to carry out the provisions of said act.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter four hundred and forty of the laws of eighteen hundred and ninety-six, entitled "An act to facilitate the identification of criminals," as amended by chapter four hundred ninety-eight of the laws of nineteen hundred, is hereby amended to read as follows:

§ 2. The superintendent of state prisons is also authorized to file, index and classify Bertillon descriptive cards received from other sources. The necessary expenses incurred by the superintendent of state prisons in indexing and classifying prisoners, as provided in this act, shall be payable by the treasurer from the moneys appropriated for the maintenance and

Act amended.

Indexing and classifying prisoners.

support of the several state prisons, on the warrant of the comptroller, and on bills approved by the superintendent of state prisons, but such expenses shall not exceed three thousand dollars per year.

§ 2. This act shall take effect immediately.

Chap. 245.

AN ACT to amend chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, entitled "An act to create a public improvement commission in and for the city of Cohoes and to define its powers and duties," and the acts amendatory thereof, in relation to street pavements, curbs, assessments and issuing bonds and certificates of indebtedness for improvements made by said commission, and limitation of expenditures.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section six of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, entitled "An act to create a public improvement commission in and for the city of Cohoes and to define its powers and duties," as amended by chapter two hundred and thirteen of the laws of nineteen hundred, is hereby amended to read as follows:

Paving,
etc., of
streets.

§ 6. The said commission shall have power to cause any street, alley, lane, highway or public ground, or any part or parts thereof in said city, to be paved, repaved, graded or regraded, and if necessary to be properly graded, for the purposes of paving or repaving the same, and to construct all necessary curbstones, for the purpose of such paving and repaving, when and wherever the public convenience in their judgment requires the same. Said commission may, if they deem that public convenience requires the same, direct that such curbstone be constructed of material and dimensions other than such as is specified in the ordinances and resolutions of the common council of said city, whether the property owner has com-

Curbstones

plied with such ordinances or resolutions, or not. Said commission is also authorized to insert in any contract for the construction of pavements, repavements and curbing a provision requiring the contractor or contractors to keep the work performed in repair and maintain the same for a period not to exceed eight years from the completion thereof, and the cost of such repair and maintenance shall be included and assessed as a part of the cost of the construction of said work. The expense of the construction of the curbstone to be paid by the abutting property owners, and shall be levied and assessed against such abutting property. Every street railway now or hereafter operated in said city shall be taxed for and shall pay the expense of paving, repaving or grading and paving that portion of every street or other way paved, repaved or graded and paved, covered by its road and a space two feet in width outside of and adjoining its tracks on either side. The balance of the expense of all such paving, repaving, grading and regrading, grading and paving of public grounds shall be paid by the city at large. One-half of all the expense of such paving, repaving, grading and paving of streets and other ways and places, shall be paid by the city at large; and the other half thereof shall be defrayed by special tax upon the real estate adjacent and contiguous to that part of the street or other way paved, repaved, or graded and paved, and upon the owners thereof, according to the benefit received except that the city at large shall also pay the expense of paving, repaving, or grading and paving the crossings of streets and other ways, and no part of the expense of paving, repaving, grading or regrading, or grading or paving any street or other way, or part of a street or other way, shall be taxed upon the lands not adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded or graded and paved, except as herein otherwise provided. When the said commission shall have determined to cause any street or other way to be paved, repaved, graded or regraded, or graded and paved, and shall have entered into contract therefor, the assessors upon being notified by the said commission to do so, shall forthwith proceed to make a special assessment and certificate, entering therein the names of all owners of land adjacent and contiguous to that part of the street or other way paved, re-

Contracts,
provisions
in.

Expenses,
how levied.

Special
assessment
and
certificate.

paved, graded or regraded, or graded and paved, and the name of every street railway operating on such street or other way, and designating therein the parcels of such land owned by non-residents, according to their best knowledge and information. They shall make a just and equitable assessment of the proper proportion of the expense of such paving, repaving, grading or regrading, or grading and paving, against such lands and owners, and against such street railway, if any, operated on such street or other way, assessing upon the several parcels of real estate adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded, or graded and paved, and upon the respective owners thereof, such portion of the said expense to be so assessed as shall be proportionate to the benefit received by such real estate owned by each person, and upon said street railway the portion of said expense hereinbefore mentioned, and shall enter in said certificate a brief but careful description of each parcel assessed and the sum assessed upon it. The term pavement as used in this act shall be construed to include macadam.

§ 2. Section fourteen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight as amended by chapter five hundred and fifty of the laws of eighteen hundred and ninety-nine and chapter two hundred and thirteen of the laws of nineteen hundred and chapter six hundred and thirty-two of the laws of nineteen hundred and one is hereby amended to read as follows:

Assessment
of expense
of improve-
ments.

§ 14. Whenever said commission shall determine to cause any of the improvements mentioned in this act to be done, of which the cost and expense of the whole or any part thereof shall be paid by local assessment upon the property benefited and shall have entered into contract for the performance of said work, it shall certify to the assessors of said city, that it has so determined, entered into contract, the cost and expense of the entire improvement which shall include such proportion of the salaries and expenses of the officers and employees of said commission and the expenses of said commission as it shall deem proper, together with the amount of such costs and expenses which the owners of said property shall pay, and in case of the construction of any sewer, sewers, drains, drainage, or sewerage systems hereafter to be constructed, the said commission shall also cer-

tify a particular description of the length of such sewer, the cost per foot, and whether the same is a main or trunk sewer, and if so, a particular description of the sewers and drains which are contributory thereto; and also a brief description of the premises and property abutting such sewer, drains, main or trunk sewers and contributory sewers and drains. The said assessors shall forthwith proceed to make a special assessment and certificate, entering therein in separate columns the names of all the persons assessed, the description of all lots and parcels of land assessed, and the amount each shall be assessed, assessing justly and equitably upon each parcel of land and upon each owner thereof respectively, such portion of such expense to be paid by the property thus determined to be benefited as nearly as may be to the advantage which each shall be deemed to receive by the making of such improvement, but in making such assessment regard shall be had only to benefit received. When such certificate is completed they shall fix a time and place of meeting to correct the same and shall give notice of such meeting stating where such certificate can in the meantime be seen and examined, by publishing such notice at least twice in the official paper of said city, which publication shall be completed at least ten days before the time so fixed for a meeting; at the time and place so appointed said assessors shall meet and hear all persons appearing before them who shall feel that they are aggrieved by said assessment and after said hearing shall make such corrections, if any, in such certificate as in their judgment will render such assessment more just and equitable; and the said assessors shall have the power to add to such assessment upon giving due notice and a hearing to the owner or owners of the property which is to be added or upon which an addition is to be made; and they may abandon such certificate in case they deem it erroneous and proceed to make a new certificate in the same manner as though none had been made. When said certificate shall be thus corrected, or when the assessors after such hearing shall have determined that it needs no correction, they shall deliver the same and the total thereof, both of which shall be signed by a majority or by all of them, to the common council within five days after the same shall have been completed by them as aforesaid, but such time may be extended by the common council. Any per-

Special
assessment
and
certificate.

Notice of
review.

Hearing
and
corrections.

Delivery to
council.

Hearing
and con-
firmation
by council.

son considering himself aggrieved by said assessment shall have the right to be heard in relation thereto before the common council of said city at its first regular meeting after delivery of the certificate as aforesaid, and at its second regular meeting after such delivery the common council shall either confirm in whole or in part or annul such assessment, and in so doing shall have power to correct, add to or amend such assessment in any manner it may deem proper; if it annul the same all proceedings of the assessors in relation thereto shall be void, and new proceedings may be taken in the matter, in the manner provided in this section. If the assessors or any or either of them be interested in property liable to be affected by such assessment or be for any cause incapable of acting the common council may appoint in the place of each as-

Freeholders
may be
appointed
to perform
duties of
assessor.

essor thus disqualified a disinterested freeholder of said city, residing therein, to perform the duties of such assessor and every freeholder before entering upon the performance of said duties shall take and subscribe an oath to make the assessment faithfully, honestly and impartially according to his best judgment. When any such assessment shall be finally confirmed by the common council the duplicate thereof hereinbe-

Filing of
assessment.

fore mentioned, shall be thereupon filed with the clerk and both shall be deemed to be originals, to one of

Warrant
for
collection.

which shall be annexed a warrant for the collection of said taxes as prescribed for the collection of general city taxes of said city, and to the other a copy of said warrant with a receipt of the chamberlain for such certificate and warrant. No

Assessment
not invalid
because of
imperfect
description,
etc.

assessment or reassessment made for the expense of a public or a local improvement in said city, shall be set aside or be held to be invalid because the same may have been or may be made in terms against an owner or owners unknown, or the estate of a deceased person (naming such person) or the executor, administrator, heirs or devisees of a deceased person (naming such person) or against a company or a firm named, or against the person in whose name record is, though not the actual title of the property assessed, or through any cause arising from mistake or ignorance as to the name of the owner, whether an individual or a corporation, provided the property assessed is sufficiently described to identify and indicate the particular lot or tract which it was intended to assess. If upon any hearing in relation to any assessments under this act it shall appear by reason of any

alleged irregularities or invalidity, the expense of any local improvement has been unlawfully increased, the common council thereof or any court, or judge before whom the proceedings or assessment may be pending or up for review may order that such assessment upon the lands of any aggrieved party or parties be modified by deducting therefrom such sum as is in the same proportion to such assessments as is the whole amount of such unlawful increase to the whole amount of expense of such local improvement. Any party aggrieved by any assessment made pursuant to this act or alleging that such assessment is illegal or invalid may, within twenty days after confirmation of the assessment by the common council apply to have the assessment vacated or reduced or both to a judge of the supreme court at special term or his chambers or to the county judge of Albany county, who shall thereupon upon due notice to the said commission and its attorney and to the contractor and his sureties and any other person or persons if either of them be proper parties, proceed forthwith to hear the proof and allegations of the parties. Hereafter no suit or action in the nature of a bill in equity or otherwise shall be commenced for a vacation of any such assessment or assessments or to remove the cloud upon the title arising from any assessment hereafter made. Owners of property shall hereafter in proceedings to reduce, vacate or stay payments of assessment be confined to the form or proceeding in this act mentioned. No assessment that may be hereafter made shall be void nor shall be vacated or reduced nor the sale of property therefor or thereunder be declared illegal or the deed or certificate of conveyance therefor be adjudged invalid or illegal or any money paid on account or because of said assessment be recovered back or refunded because of any error, illegality or irregularity in any of the proceedings in relation to the work or improvement for which such assessment is made prior to the commencement of the work including the letting of the contract for such work unless the party objecting thereto shall have filed his objection or objections with the clerk of said commission within ten days after the letting of contract for such work, stating the error and illegality or irregularity complained of together with his address.

Review.

Aggrieved party may apply to have assessment vacated, etc.

Assessments, etc., not to be void, unless, etc.

§ 3. Section sixteen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight as amended by chapter five hundred and fifty of the laws of eighteen hundred and ninety-nine is hereby amended to read as follows:

Issue of
improve-
ment
bonds.

§ 16. When a contract or contracts shall be executed by said commission for any of the improvements provided for in this act, and the work thereunder actually commenced, and before any assessment is made therefor, it shall be the duty of the common council of said city, upon request of said commission, to borrow upon the faith and credit of said city, such sum as will be necessary to pay all expenses whatsoever connected with the performance of said work, and the final completion thereof; it shall be the duty of the common council to issue the bonds of said city therefor, to be known as "public improvement bonds of the city of Cohoes," bearing interest at a rate not exceeding three and one-half per centum per annum, payable semi-annually. Said bonds shall be of the denomination of not less than fifty dollars each, and shall be signed by the mayor of the city of Cohoes, and countersigned by the chamberlain and city clerk, and the seal of said city shall be affixed to each of said bonds by the said clerk. Said bonds shall be registered in the office of the chamberlain of said city and shall be payable at such places as shall be designated by the common council of said city. Said bonds shall be negotiated by the chamberlain of said city, selling the same at his office to the highest bidder, at public auction, at not less than par value thereof. Said chamberlain shall give public notice of the time and place of any selling of such bonds by public auction by publishing a notice thereof for at least fifteen days previous to each sale or opening, in such newspaper as shall be designated by the common council. The chamberlain of said city is hereby authorized to make advances for the necessary expenditures of said commission or on warrants issued by said commission for payments under said contract or contracts on its order, or otherwise ordered paid to the said contractor or contractors, for any of the improvements under this act, from any funds of the city in his possession, prior to the issuing of the bonds herein authorized, to be reimbursed from the proceeds of any subsequent sale of said bonds. The principal of such of said bonds as shall be equal in amount to the

When pay-
able, etc.

Sale.

Advance for
expendi-
tures.

Principal of
certain
bonds,
when
payable.

amount which the city of Cohoes at large shall pay towards making of such improvement, expenses and costs, shall be made payable at such time or times within forty years from their respective date of issue, and in such amount yearly as shall be fixed and determined by the common council, and it shall be the duty of the common council of the city of Cohoes to cause to be raised yearly, in each fiscal year, from the time this act shall take effect, by taxation upon the taxable property in said city, in the same manner as other taxes are levied, and in addition thereto a sum sufficient to pay for the interest upon said bonds when and as the same shall become due and payable, and also to raise by tax upon the taxable property of the said city, in the same manner as other taxes are levied, and in addition thereto, the moneys necessary to pay principal of said bonds as the same shall become due. The principal of the remainder of said bonds shall be made payable one year after date and shall be retired by paying the proceeds of the assessments then collected for such improvement, so far as the same may be applicable thereto, and the common council is authorized to issue and sell new bonds for the balance in the manner as provided herein for the issue and sale of bonds, and to be made payable at such time and times, not to exceed eighteen years from their respective date of issue, and in such an amount yearly as may be fixed and determined by the common council. If by reason of any error it shall appear that the bonds issued under the provisions of this act or the assessments made for any local improvement are not sufficient to pay the entire expense of such local improvement, the assessors of such city upon the demand of the public improvement commission of the city of Cohoes can reassess such proportion of such deficiency as may be deemed proper by said commission, upon the property benefited and the common council of the city of Cohoes shall issue a bond or bonds in such amount as may be determined necessary by said commission, to be paid towards such deficiency for such local improvement. Should it be determined that said bonds are irregular or invalid for any reason, the common council of said city of Cohoes may issue new and other bonds in their place and instead thereof for such sum or sums as it may deem proper. This section shall also be deemed to apply to all improvements hereto-

Tax for
interest and
principal.

Principal of
remainder
of bonds,
when
payable.

Issue and
sale of new
bonds.

When pay-
able, etc.

Reassess-
ment of
deficiency.

fore ordered or made and for which an assessment has not as yet been confirmed by the common council of said city.

§ 4. Section seventeen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, as amended by chapter five hundred and fifty of the laws of eighteen hundred and ninety-nine, as amended by chapter two hundred thirteen of the laws of nineteen hundred is hereby amended to read as follows:

Payment of
assess-
ments.

§ 17. Any person, persons or corporations assessed for any of the improvements provided for in this act, and as provided by this act, shall be discharged from said assessment upon his or its property, by paying the amount so assessed to the chamberlain within twenty days after the confirmation of any such assessment, and thereafter any such person or corporation, may by paying the said assessment, with an addition of one per centum for each and every month that the same has remained unpaid after the confirmation thereof, be discharged from such assessment. Any person or corporation against

Option to
pay assess-
ments in
install-
ments.

whose property said assessment is made shall have the option of paying such assessment in twenty equal installments. The first of such installments shall be due and collectible on the confirmation of any such assessment, and one of such installments shall be due and collectible at the expiration of each year there-

Interest.

after for nineteen years. Such installments shall bear interest at a rate of three and one-half per centum per annum from and after the time of the confirmation of any such assessment until the same shall become due and payable and thereafter shall pay the percentage above set forth. Such person or corporation shall be deemed to avail himself or itself of said option by payment of such first installment within three months from the confirmation of said assessment, and in case of the failure to pay said first installment within said period of three months, or the payment of any subsequent installment within three months from the time the same shall become due, the whole of said assessment, or the balance unpaid shall become due and payable immediately. Each installment shall consist of one-twentieth part of such assessment plus the interest on all installments to date. Any such person or corporation against whose property such an assessment is made may within the time that the first installment is due as afore-

said pay such sum as he or it desires upon such assessment in excess of one-twentieth part thereof in which case the balance unpaid shall become payable in nineteen annual installments as aforesaid. This section shall also be deemed to apply to all the assessments hereafter confirmed by the common council of said city for improvements heretofore ordered or made by said commission.

§ 5. Section eighteen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight as amended by chapter two hundred and thirteen of the laws of nineteen hundred is hereby amended to read as follows:

§ 18. The proceeds received from the sale of bonds as provided in section sixteen of this act, except the bonds sold to retire other bonds, shall be set apart by the chamberlain of said city, who shall pay therefrom, only upon the order of said commission from time to time such amounts as shall be required to pay the expenditures which said commission is empowered by this act to make. The said commission shall not audit any bill or order its payment until the same shall be verified as required by law in presenting claims against the city of Cohoes to the common council thereof.

Proceeds of
sale of
bonds.

Verification
of bills.

§ 6. Section fifteen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight is hereby amended so as to read as follows:

§ 15. The said commission shall not contract to expend on behalf of said city at large for the improvements provided for herein and all the expenses connected therewith, exclusive of the amount determined to be assessed against the property benefited, a larger sum than three hundred thousand dollars.

Limitation
of expenses.

§ 7. This act shall take effect immediately.

Chap. 246.

AN ACT to authorize a further appropriation for the maintenance of the American museum of natural history in the Central park of the city of New York.

Accepted by the city.

Became a law, March 26, 1902, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for maintenance, etc.

Section 1. The board of estimate and apportionment of the city of New York may annually in its discretion include in the budget for the then next ensuing financial year a sum not exceeding twenty-five thousand dollars to be applied by the department of parks of said city through the commissioner of parks for the boroughs of Manhattan and Richmond for keeping, preparing, preserving and exhibiting the collections in the buildings in the Central park in the said city that are now or hereafter may be occupied by the American museum of natural history in addition to the sum or sums now authorized by law for such purposes.

§ 2. This act shall take effect immediately.

Chap. 247.

AN ACT to amend the forest, fish and game law, relative to appointing additional protectors.

Became a law, March 26, 1902, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy of article nine of chapter twenty of the laws of nineteen hundred, entitled, "An act for the protection of the forests, fish and game of the state constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 170. Game protectors.—The commission shall appoint fifty game protectors. One shall reside in each of the counties

of Essex, Clinton, Franklin, Saint Lawrence, Jefferson, Lewis, Herkimer, Hamilton, Warren and Washington and the next eight protectors shall be appointed from said counties. Protectors shall have the power and perform the duties incumbent upon firewardens and shall hold office during the pleasure of the commission. The commission shall from time to time designate from the protectors a chief game protector and two assistant chiefs, two oyster protectors, an assistant oyster protector and a protector for the Saint Lawrence river. The chief game protector shall have general supervision and control of all protectors. and shall have his office with the commission.

§ 2. This act shall take effect immediately.

Chap. 248.

AN ACT to amend the charter of the New York city church extension and missionary society of the Methodist Episcopal church.

Became a law, March 26, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter five hundred and eighty-one of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the New York city Sunday school and missionary society of the Methodist Episcopal church," as amended by chapter six hundred and seventy-two of the laws of eighteen hundred and seventy-two, is hereby amended to read as follows:

§ 3. The said New York city church extension and missionary society of the Methodist Episcopal church shall be capable of taking and holding by purchase, gift, or devise any real or personal estate for the use and purpose of said corporation, or for similar religious uses, but the annual income of any real estate held by said corporation at any one time shall not exceed twenty thousand dollars, subject to the provisions of an act entitled "An act in relation to wills," passed April thirteenth, eighteen hundred and sixty, and the acts amending the same. All the real property now owned by the

Charter
amended.

Corporate
powers.

Real prop-
erty to be
managed by
board of
trustees.

Board of
trustees.

Classes, and
term of.

said society, together with any real property hereafter acquired by said society shall be managed by a board of fifteen trustees, each of whom shall be a member of the Methodist Episcopal church, the president, the first vice-president and the disbursing treasurer of the society for the time being shall be three of such trustees. Peter A. Welch, Charles H. Class, Joseph O. Downes, John S. Huyler, Hiram Merritt, Anthony Smyth, F. M. North, A. H. Brummell, Warren A. Leonard, Charles R. Saul, Townsend Wandell, Lemuel Skidmore, together with such president, first vice-president and disbursing treasurer are hereby created such board of trustees. The twelve members of such board of trustees, other than the officers of the society, shall be divided by lot into three classes of four members each, to hold office respectively for the term of one, two and three years from the next annual meeting of the said society. The successors of the trustees whose term of office shall expire shall be elected at each annual meeting of the society and shall hold office for three years after their election. The said board of trustees shall devote the property of the society of which they have the management and the income thereof to the purposes named in this act and to no other purpose; and so long as the board of managers shall so expend the same, the board of trustees shall pay over to them the income of the property of the society so managed by them, for the uses of said society. The board of trustees may authorize the sale, transfer or mortgage of any real property of said society, and the application of the proceeds to the uses of the society.

§ 2. Section four of said act as amended by chapter ninety-four of the laws of eighteen hundred and seventy-one, chapter six hundred and seventy-two of the laws of eighteen hundred and seventy-two and chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-five is hereby amended to read as follows:

Manage-
ment of
affairs
vested in
board of
managers.

Of whom
board to
consist.

§ 4. The management of the affairs of said society, excepting all matters relating to its real property, shall be vested in a board of managers to be appointed and elected annually, as provided by its constitution and by-laws, which board shall consist of the officers of the society, one member from each of the Methodist Episcopal churches in the city of New York, to be elected by the quarterly conferences; of the

pastors of said churches, and the presiding elders of the Methodist Episcopal church whose districts may, in whole or in part, embrace the city of New York, or portions of that city, and forty additional members to be elected annually by the board of managers. Thirteen members of the board shall be ^{Quorum.} a sufficient quorum for the transaction of business at any meeting of said board.

§ 3. This act shall take effect immediately.

Chap. 249.

AN ACT amending subdivision twenty-six of section fifty-six of the code of criminal procedure, with reference to the jurisdiction of the courts of special sessions, except in the city and county of New York and the city of Albany, with reference to their exclusive jurisdiction in the first instance to hear and determine charges of misdemeanors committed within their respective counties.

Became a law, March 26, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twenty-six of section fifty-six of the code of criminal procedure, is hereby amended to read as follows: Code of criminal procedure amended.

§ 26. Driving any carriage upon any turnpike, road or highway for the purpose of running horses; or wilfully and without authority riding a bicycle upon a sidewalk or foot-path constructed, maintained, or allowed to remain for the exclusive use of pedestrians, in any street where a sidepath for bicycles is maintained outside of an incorporated city or village; or for driving or operating any automobile or motor vehicle upon any plank road, turnpike or public highway at an unlawful rate of speed.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 250.

AN ACT to amend section one of title four of chapter twenty-five of the laws of eighteen seventy, entitled "An act to incorporate the city of Rome," relating to the election and appointment of city and ward officers.

Accepted by the city.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section one of title four of chapter twenty-five of the laws of eighteen seventy, entitled "An act to incorporate the city of Rome," is hereby amended to read as follows:

Duties and
powers of
mayor.

§ 1. It shall be the duty of the mayor to take care that, within said city, the laws of the state and the ordinances and by-laws passed by the common council be faithfully executed, and to arrest or cause the arrest of all persons violating the same; to exercise a constant supervision over the conduct of all subordinate officers, to receive and examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the common council; to recommend to the council from time to time such means as he shall deem necessary for them to adopt to expedite and cause to be carried out all such as shall be resolved upon by them; and, in general, to maintain the peace and good order of the said city. He shall have power to administer oaths, and take affidavits, and to take the proof and acknowledgments of deeds within said city, and receive therefor the same fees that are allowed to justices of the peace for the same services. In case the mayor shall be unable to perform the duties of his office, in consequence of continued sickness or absence from the city, or if there shall be a vacancy in the office, the common council shall appoint, by ballot, one of their number to preside at their meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of the mayor of the city, until the mayor shall resume his office or the vacancy shall be supplied according to law. The mayor shall receive for his services, an annual salary of five hundred dollars to be paid

Vacancies,
how filled.

Compensa-
tion.

quarterly, and the aldermen for any services rendered in the discharge of their offices pursuant to the provisions of this act, shall not receive any compensation.

§ 2. This act shall take effect immediately.

Chap. 251.

AN ACT authorizing the canal board to terminate, settle and adjust between the parties to all contracts made by the state of New York for the improvement of the Erie canal, Champlain canal and Oswego canal, and permitting return to the contractors of the moneys deposited by them and payment of all moneys legally or equitably due them under their contracts with the state of New York.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The canal board is authorized and empowered to terminate unfinished contracts and settle and adjust all contracts, whether unfinished or completed, entered into by the state of New York, for the improvement of the Erie canal, the Champlain canal and the Oswego canal, pursuant to chapter seventy-nine of the laws of eighteen hundred and ninety-five, and chapter seven hundred and ninety-four of the laws of eighteen hundred and ninety-six, and also all claims, legal or equitable, arising out of such contracts, as soon as contractors who desire to avail themselves of this act shall comply with section two hereof.

Canal board authorized to terminate contracts.

§ 2. Any contractor who desires a termination of his unfinished contract, or a settlement and adjustment of his completed contract, and of any claim arising out of such unfinished or completed contract, under this act, shall within sixty days after this act becomes a law, file in writing with the canal board, the request that such contract or claim be terminated or settled and adjusted, as the case may be. The canal board shall as soon as practicable after the filing of such request, find and determine the sums of money due such contractor under and in accordance

Proceedings for termination of contract.

Determination of board.

with the terms and conditions of his contract, together with the interest due thereon, and the sums of money due such claimant upon his claim arising out of any such contract, and the interest due thereon, and thereupon the canal board shall notify, in writing, such contractor of its finding and determination. In making such finding and determination, the canal board shall have the right to disregard all technicalities which might be interposed to the right of the contractor to recover, provided that in ignoring such technicalities the cost to the state of New York of the work done under the contract is not greater than if said work had been performed by a person against whom such technicalities could not be interposed, and said canal board shall have the right to consider and act upon the equities involved in the case of any such contract or claim in the same manner and only in the same manner as the supreme court of the state of New York in the exercise of its equitable jurisdiction. If, upon such determination and finding of the canal board, such contractor desires to accept the findings and determination of said board, he must within sixty days after receiving such notice of said determination and finding, file with the canal board a release duly executed, by which he forever releases and discharges the state of New York, its officers and servants, from all claims for damages under his contract, and from all further claims of any name or nature existing against the state under and by virtue of said contract or arising therefrom; and after such contract shall be terminated, no such contractor or surety upon his bond shall have or maintain any claim for damages against the state of New York, its officers or servants, in connection with such contract or for any sum of money claimed to be due or unpaid under or by virtue of said contract or arising therefrom.

Release.

Amount due and deposit to be paid, with interest, upon filing release.

§ 3. Upon the filing of such release, the canal board may in its discretion by resolution to that effect, terminate any contract, and the proper state officials shall pay over and return to such contractor or his assigns the amount deposited with the superintendent of public works at the time of the submission of his bid, with such interest as such deposit shall have earned for the state, and the ten per centum retained by the state under the provisions of chapter seventy-nine of the laws of eighteen hundred and ninety-five, and chapter seven hundred and ninety-four of the laws of eighteen hundred and ninety-six for the work

performed and materials furnished pursuant to the terms of said contract, together with any sums of money found and determined by the canal board to be due him under the findings made pursuant to the second section of this act, with interest upon such amounts from the time such sums became due under the contract.

§ 4. This act shall take effect immediately.

Chap. 252.

AN ACT to amend the state charities law, relating to the finances of the state charitable institutions and creating the office of fiscal supervisor.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article three of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities, constituting chapter twenty-six of the general laws," as amended by chapter four hundred and thirty-six of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows: State charities law amended.

ARTICLE III.

REGULATION OF STATE CHARITABLE INSTITUTIONS AND REPORTS TO AND ACCOUNTS AGAINST MUNICIPALITIES.

Section 40. Fiscal supervisor of state charities.

41. Office and clerical force of fiscal supervisor.

42. Powers and duties of fiscal supervisor.

43. Removals by governor.

44. Fiscal year.

45. Monthly estimates of expenses; contingent fund.

46. Monthly statements of receipts and expenditures.

47. Affidavit of steward; vouchers.

48. Purchases.

49. Plans and specifications; contracts.

50. Visitations and reports by managers or trustees.

Section 51. Reports to supervisors of appointments and commitments to charitable institutions.

52. Reports by officers of certain institutions to clerks of supervisors and cities.

53. Verified accounts against counties, cities and towns.

Section 40. Fiscal supervisor of state charities.—The office of fiscal supervisor of state charities is hereby created. On or before April fifteenth, nineteen hundred and two, the governor shall appoint, by and with the advice and consent of the senate, a fiscal supervisor of state charities. A successor to such supervisor shall be appointed in like manner. The term of office of the fiscal supervisor of state charities shall be five years, and he shall be paid by the state an annual salary of six thousand dollars, and his actual and necessary expenses. If a vacancy shall occur, otherwise than by expiration of term, in the office of fiscal supervisor of state charities, a fiscal supervisor of state charities shall be appointed in the manner provided by this section for the unexpired term of his predecessor.

§ 41. Office and clerical force of fiscal supervisor.—The fiscal supervisor of state charities shall be provided by the proper authorities with a suitably furnished office in the state capitol. He may employ a secretary, a stenographer and such other employees as may be needed. The salaries and reasonable expenses of the fiscal supervisor and the necessary clerical assistants shall be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys appropriated therefor.

§ 42. Powers and duties of fiscal supervisor.—The fiscal supervisor shall, as to the state charitable institutions, the New York state school for the blind and the Elmira reformatory;

1. Visit each of such institutions at least twice in each calendar year.

2. Examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its financial management, and for such purpose he shall have free access to the grounds, buildings, and all books, papers, property and supplies of any such institution; and all persons connected with any such institution shall give such information and afford such facilities for such examination or inquiry as the supervisor may require.

3. Appoint, in his discretion, a competent person to examine the books, papers and accounts of any institution to the extent deemed necessary.

4. Annually report to the legislature his acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the condition of the buildings, grounds and property, and the financial management of the state charitable institutions, the New York state school for the blind and the Elmira reformatory as he may deem necessary for the information of the legislature, including estimates of the amounts required for the use of such institutions and the reasons therefor. The fiscal supervisor shall also on the first days of January and July in each year report to the governor the condition of the buildings, grounds and property on such date, together with such suggestions in regard to the financial management of such institutions as he deems proper. He shall also, on request of the governor or of any committee of either house of the legislature, make a special report in relation to the condition of the buildings, grounds and property, or the financial management of such institutions, or of any of them.

§ 43. **Removals by governor.**—A fiscal supervisor of state charities, or the superintendent or the steward of any institution, subject to the provisions of this article, may be removed by the governor for cause, an opportunity having been given him to be heard in his defense.

§ 44. **Fiscal year.**—The fiscal year of all state charitable institutions, of the New York state school for the blind and of the Elmira reformatory shall commence with the first day of October in each year, and close with the thirtieth day of September, next succeeding; and the annual reports of such institutions required by this chapter, shall be made for the fiscal year as herein named.

§ 45. **Monthly estimates of expenses; contingent fund.**—The superintendent or other managing officer of each of the state charitable institutions, of the New York state school for the blind at Batavia and of the Elmira reformatory shall, on or before the fifteenth day of each month, cause to be prepared triplicate estimates in minute detail, of the expenses required for the institution of which he has the supervision, for the ensuing month. He shall countersign and submit two of such triplicates

to the fiscal supervisor, and retain the other to be placed on file in the office of the institution. The fiscal supervisor may cause such estimates to be revised either as to quantity or quality of supplies and the estimated cost thereof, and shall certify that he has carefully examined the same and that the articles contained in such estimate, as approved or revised by him, are actually required for the use of the institution, and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate, the comptroller shall authorize the boards of managers, trustees or other managing officers of such institutions to make drafts on him, as the money may be required for the purposes mentioned in such estimates, which drafts shall be paid on his warrant, out of the funds in the treasury of the state appropriated for the support of such institutions. In every such estimate, there shall be a sum named, not to exceed two hundred and fifty dollars, as a contingent fund, for which no minute detailed statement need be made. No expenditures shall be made from such contingent fund, except in case of actual emergency, requiring immediate action, and which can not be deferred without loss or danger to the institution, or the inmates thereof. The treasurer of any such institution shall not pay accounts for goods furnished, salaries of officers or employees, unless they are contained in the estimate provided in this section, and duly approved by the fiscal supervisor. Nor shall the treasurer of any institution named or referred to in this section pay accounts for supplies furnished to officers or employees, unless the same be drawn from the ordinary supplies provided for the general use of the institution. No persons, other than the officers and employees of such institutions, and the families of the superintendents, medical officers, adjutants, quartermasters or stewards, necessarily residing therein, shall be allowed rooms and maintenance, except at a rate fixed by the state comptroller and the fiscal supervisor with the approval of the governor. The officers and employees in the office of the state comptroller on April first, nineteen hundred and two, performing duties under section forty-one of the state charities law, in relation to the estimates of the state charitable institutions, of the New York state school for the blind, and of the Elmira reformatory are hereby continued in office and

transferred to the office of the fiscal supervisor subject to his direction and control.

§ 46. **Monthly statements of receipts and expenditures.**—The treasurer of each state charitable institution, of the New York state school for the blind and of the Elmira reformatory shall, on or before the fifteenth day of each month, make to the fiscal supervisor a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form: I,.....treasurer of the.....do solemnly swear that I have deposited in the bank designated by law for such purpose all the moneys received by me on account of such during the last month; and I do further swear that the foregoing is a true abstract of all the moneys received, and expenditures made by me or under my direction as such treasurer during the month ending on the day of nineteen.....

§ 47. **Affidavit of steward; vouchers.**—There shall be attached to such treasurer's statement, the affidavit of the steward or other officer having like powers, to the effect that the goods and other articles therein specified were purchased and received by him or under his direction at the institution, that the goods were purchased at a fair cash market price and paid for in cash, and that he or any person in his behalf had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles contained in such bill were received at the institution; that they conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such statement shall be accompanied by the voucher showing the payment of the several items contained in the statement, the amount of such payment and for what the payment was made. Such vouchers shall be examined by the fiscal supervisor and compared with the estimates made for the month for which the statement is rendered, and if found correct shall be endorsed and forwarded by the fiscal supervisor, with the statement, to the comptroller, who shall have the power of final

audit in accordance with the estimate. If any voucher is found objectionable, the fiscal supervisor or the comptroller shall endorse his disapproval thereon, with the reason therefor, and return it to the treasurer, who shall present it to the board of managers for correction and immediately return it. All vouchers shall be filed in the office of the comptroller.

§ 48. **Purchases.**—All purchases for the use of the state charitable institutions, of the New York state school for the blind or of the Elmira reformatory shall be made for cash and not on credit or time; every voucher shall be duly filled up at the time it is taken, and with every abstract of vouchers paid, there shall be proof on oath that the voucher was filled up and the money paid at the time it was taken. The board of managers or trustees shall make all needful rules and regulations to enforce the provisions of this section. The fiscal supervisor, a member or officer of the state board of charities or manager or officer of any such institution, shall not be interested, directly or indirectly, in the furnishing of materials, labor or supplies for the use of any of such institutions nor shall any manager or trustee act as attorney or counsel for the board of managers or trustees thereof. The fiscal supervisor may arrange with the boards of managers or trustees of the institutions mentioned in this section for the purchase by joint contract, of such staple articles of supplies as it may be found feasible to purchase for the use of such institutions, or any of them. Such contracts shall be executed by the stewards, under the direction of the boards of managers or trustees, and subject to the approval of the fiscal supervisor. Such contracts shall not be let except in conformity with the provisions of this act in relation to estimates. All goods for the use of such institutions except those furnished pursuant to law by some other institution of the state shall be bought, as far as practicable, of manufacturers or their immediate agents. All contracts, if let, shall, subject to the provisions of this article relating to estimates, be awarded to the lowest responsible bidder. Each of such institutions may manufacture such supplies and materials to be used in the institution as can be economically made therein. When requested by the fiscal supervisor, the superintendents of such institutions, or any of them, shall meet at the office of the fiscal supervisor at

Albany, for the purpose of considering the feasibility of joint contracts.

§ 49. **Plans and specifications; contracts.**—The governor, the president of the state board of charities, and comptroller, or a majority of such officers, shall approve or reject plans and specifications for new buildings for any state charitable institution or for the New York state school for the blind and also for unusual repairs or improvements to existing buildings of such institutions or school; and no such building shall be erected or such repairs or improvements made until the plans and specifications therefor have been so approved. Contracts for such erection, repairs or improvements may be let by the board of managers or trustees, with the approval of the governor, the president of the state board of charities and comptroller, or a majority of such officers, for the whole or any part of the work to be performed, and in the discretion of the managers or trustees, and, subject to such approval, such contracts may be sublet. The comptroller and the board of managers or trustees shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, repairs or improvements of state charitable institutions, the New York state school for the blind or the Elmira reformatory. A preliminary deposit or certified check drawn upon some legally incorporated bank or trust company of this state shall in all cases be required as an evidence of good faith, upon all proposals for buildings, repairs or improvements, to be deposited with the superintendent of the institution for which the work is to be performed, in an amount to be determined by the state architect. All contracts for the erection, repairs or improvements to state charitable institutions, the New York state school for the blind or the Elmira reformatory shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose.

§ 50. **Visitations and reports by managers or trustees.**—The board of managers or trustees of each of the state charitable institutions, of the New York state school for the blind and of the Elmira reformatory, in addition to their other duties now

required by law, shall, by a majority of its members, visit and inspect the institution for which it is appointed at least monthly, and shall make a written report in duplicate to the governor and the state board of charities within ten days after each visitation, to be signed by each member making such visitation. Such report shall state in detail the condition of the institution visited and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board should be brought to the attention of the governor or the state board of charities, and may contain recommendations as to needed improvements in the institution or its management.

§ 51. **Reports to supervisors of appointments and committals to charitable institutions.**—Every judge, justice, superintendent or overseer of the poor, supervisor or other person who is authorized by law to make appointments or commitments to any state charitable institution, except almshouses, in which the board, instruction, care or clothing is a charge against any county, town or city, shall make a written report to the clerk of the board of supervisors of the county, or of the county in which any town is situated, or to the city clerk of any city, which are liable for any such board, instruction, care or clothing, within ten days after such appointment or commitment, and shall therein state, when known, the nationality, age, sex and residence of each person so appointed or committed and the length of time of such appointment or commitment.

§ 52. **Reports by officers of certain institutions to clerks of supervisors and cities.**—The keeper, superintendent, secretary, director or other proper officer of a state charitable institution to which any person is committed or appointed, whose board, care, instruction, tuition or clothing shall be chargeable to any city, town or county, shall make a written report to the clerk of such city or to the clerk of the board of supervisors of the county, or of the county in which such town is situated, within ten days after receiving such person therein. Such report shall state when such person was received into the institution, and, when known, the name, age, sex, nationality, residence, length of time of commitment or appointment, the name of the officer making the same, and the sum chargeable per week, month or year for such person. If any person so ap-

pointed or committed to any such institution shall die, be removed or discharged, such officers shall immediately report to the clerk of the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of the city from which such person was committed or appointed, the date of such death, removal or discharge.

§ 53. **Verified accounts against counties, cities and towns.**—The officers mentioned in the last section shall annually, on or before the fifteenth day of October, present to the clerk of the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of a city from which any such person is committed and appointed, a verified report and statement of the account of such institution with such county, town or city, up to the first day of October, and in case of a claim for clothing, an itemized statement of the same; and if a part of the board, care, tuition or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and the report shall show the name, age, sex, nationality and residence of each person mentioned in the account, the name of the officer who made the appointment or commitment, and the date and length of the same, and the time to which the account has been paid, and the amount claimed to such first day of October, the sum per week or per annum charged, and if no part of such account has been paid, the report shall show such fact. Any officer who shall refuse or neglect to make such report shall not be entitled to receive any compensation or pay for any services, salary or otherwise, from any town, city or county affected thereby. The clerk of the board of supervisors who shall receive any such report or account shall file and present the same to the board of supervisors of his county on the second day of the annual meeting of the board next after the receipt of the same.

§ 2. Subdivision twelve of section nine of chapter four hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities, constituting chapter twenty-six of the general laws," as added by chapter five hundred and four of the laws of eighteen hundred and ninety-nine, in relation to approval of plans, and sections eleven to fourteen, both inclusive, of chapter three hundred and seventy-eight of the

laws of nineteen hundred, entitled "An act to revise, consolidate and amend the several acts relating to the New York state reformatory at Elmira," in relation to estimates, are hereby repealed.

§ 3. This act shall take effect April first, nineteen hundred and two.

Chap. 253.

AN ACT to amend the benevolent orders law relative to joint corporations and their powers.

Became a law, March 27, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Benevolent
orders law
amended.**

Section 1. Section nine of chapter three hundred and seventy-seven of the laws of eighteen hundred and ninety-six entitled "An act in relation to benevolent orders, constituting chapter forty-four of the general laws," is hereby amended to read as follows:

§ 9. **Powers.**—Such corporation may acquire real property in the town, village or city in which such hall, temple or building is or is to be located, and erect such building or buildings thereupon for the uses and purposes of the corporation, as the trustees may deem necessary, or repair rebuild or reconstruct any building or buildings that may be thereupon and furnish and complete such rooms therein as may appear necessary for the use of such bodies or for any other purpose for which the corporation is formed; and may rent to other persons any room in such building or any portion of such real property. Until such real property shall be acquired or such building erected or made ready for use, the corporation may rent and release such rooms or apartments in such town, village or city as may be suitable or convenient for the use of the bodies mentioned in such certificate, or of such other bodies as may desire to use them, and the board of trustees may determine the terms and conditions on which rooms and apartments in such building or buildings, when erected, or which may be leased, shall be used and occupied. Before such corporation shall purchase or sell any real property or erect or repair any building or buildings thereupon, and be-

fore it shall purchase any building or part of a building for the use of a corporation, it shall submit to the bodies constituting the corporation, the proposition to make such sale or purchase, or to erect or repair any such building or buildings or to rent any building or part thereof, for the use of the corporation, and unless such proposition receives the approval of two-thirds of the bodies constituting the corporation, such proposition shall not be carried into effect. The evidence of the approval of such proposition by any such body shall be a certificate to that effect signed by the presiding officer and secretary of the body or the officers discharging duties corresponding to those of a presiding officer and secretary under the seal of such body. But where land is purchased for the purpose of erecting a hall or temple thereon, the buildings upon such land at the time of such purchase may be sold by the trustees without such consent. Such corporation shall have power to take and hold real and personal estate by purchase, gift, devise or bequest, subject to the provisions of law relating to devises and bequests by last will and testament or otherwise.

§ 2. This act shall take effect immediately.

Chap. 254.

AN ACT to provide for borrowing money upon the credit of the city of Hudson, to erect a public school building in said city, procure a proper site therefor and to secure temporary accommodations for scholars.

Accepted by the city.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the common council of the city of Hudson to borrow upon the credit of said city, such sum of money not exceeding twenty thousand dollars, as the board of education of said city shall certify to said common council to be necessary for the erection and furnishing of a public school building in said city, to procure a proper site therefor and for providing temporary accommodations for scholars. Said twenty thousand dollars to be borrowed by the common

Common
council
shall bor-
row money.

Interest.

Bonds,
issue of.Sale of
bonds.

Tax.

council of said city, within thirty days from the time of said certification, upon such terms and at such rate of interest, not exceeding four per centum per annum, as shall be deemed for the best interest of said city, and secure the same by issuing bonds of said city, signed by the mayor and clerk, and sealed with the seal of said city, which shall be made of such denominations respectively, and payable at such times as said common council shall determine. Said bonds shall be sold at public auction at not less than par, and all moneys realized on the sale of such bonds, including any premiums thereon, shall be paid to the city treasurer and by him placed to the credit of the board of education of said city, and paid out only on the order or draft of such board for the purposes aforesaid, in carrying into effect the provisions of this act.

§ 2. The common council of said city shall raise such amounts of money by tax upon the taxable property of said city as shall be sufficient to pay the principal and interest of said bonds as the same shall become due and payable which amounts so to be levied and collected shall be in addition to the amount that is now or shall be authorized to be raised for other purposes by law.

§ 3. This act shall take effect immediately.

Chap. 255.

AN ACT to amend the county law, constituting chapter eighteen of the general laws, relating to salaries of the county judge and surrogate of Schenectady county.

Became a law, March 27, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County law
amended.

Section 1. Subdivision forty-four of section two hundred and twenty-two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended to read as follows:

44. Schenectady \$2000. \$2000.

When act
takes effect.

§ 2. This act shall take effect on the first day of January, nineteen hundred and three.

Chap. 256.

AN ACT to amend the Greater New York charter, relative to inferior courts of criminal jurisdiction.

Accepted by the city.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen hundred and ninety-six of chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended so as to read as follows: Charter amended.

§ 1396. The said board of city magistrates in the first Appointees. division may appoint police clerks' assistants, stenographers, interpreters and other necessary attendants. Such appointees, including those in office when this act takes effect, shall hold their respective positions so long as they are faithful, capable and of good conduct, and before removal, for want of either or all of said qualifications, the individual against whom charges are made shall have notice thereof, and an opportunity to make an explanation in the presence of the board, and the reasons for any removal shall be briefly entered in the minutes. The police clerks' assistants, and other assistants in any city magistrate's court, shall obey the reasonable directions of the police clerk assigned to that court, subject, however, to the proper orders of the city magistrate presiding and of the board of city magistrates. The number of police clerks' assistants in the first division shall not exceed eighteen. Police clerks' assistants in the boroughs of Manhattan and the Bronx shall receive a salary not exceeding two thousand dollars per annum. The salary of the stenographers shall not exceed, in the first division and the borough of Brooklyn, two thousand dollars per annum; in the other boroughs, eighteen hundred dollars per annum. There shall be no police clerks' assistants in the boroughs of Queens and Richmond, except as provided in the next section.

§ 2. This act shall take effect immediately.

Chap. 257.

AN ACT to amend section one of chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, entitled "An act for the incorporation of associations for the improvement of the breed of horses and to regulate the same; and to establish a state racing commission."

Became a law, March 27, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, entitled "An act for the incorporation of associations for the improvement of the breed of horses and to regulate the same; and to establish a state racing commission", is hereby amended so as to read as follows:

Corpora-
tion.

§ 1. Any number of persons, not less than five, may become a corporation for the purpose of raising and breeding and improving the breed of horses, with all the general powers of corporations created under the laws of this state, by making, signing, acknowledging and filing a certificate which shall contain:

Certificate
of incorpo-
ration.

1. The name of the proposed corporation.
2. The objects for which it is to be formed, including a statement as to whether it is proposed to exercise the particular powers conferred by section three of this act, and specifying whether it is proposed to conduct trotting or running or steeple-chase race meetings.
3. The amount and description of the capital stock.
4. The number of shares of which the capital stock shall consist, each of which shall not be less than five nor more than one hundred dollars.
5. The location of its principal business office.
6. Its duration, which shall not exceed fifty years.
7. The number of its directors, not less than five nor more than thirteen, who shall each be a stockholder having at least five shares of stock.
8. The names and post-office addresses of the directors for the first year.

9. The post-office addresses of the subscribers and a statement of the number of shares of stock which each agrees to take in the corporation.

No certificate of incorporation under this section wherein the right to conduct running or steeplechase race meetings is claimed, shall hereafter be filed without the approval of the state racing commission endorsed thereon or annexed thereto, stating that, in its opinion, the purposes of this act and the public interests will be promoted by such incorporation, and that such incorporation will be conducive to the interests of legitimate racing.

Certificate to be approved by state racing association.

§ 2. Section four of said act is hereby amended to read as follows:

§ 4. Except as provided in this act, no corporation or association hereafter organized under this act or heretofore organized in pursuance of law for any purpose authorized by this act, shall have any of the powers conferred by section three hereof until it shall have filed in the office or offices where its certificate of incorporation was filed, a further certificate stating that its capital stock has been fully paid in in cash, and if claiming the right to conduct running race meetings, that it actually maintains a race track of not less than one mile in length or circumference, the location of which shall be specified in such certificate. If such corporation or association was organized after the first day of February, nineteen hundred and two, and it claims the right to conduct running race meetings, the certificate must also have endorsed thereon, or annexed thereto, the approval of the state racing commission. Such certificate shall be executed and acknowledged by its president or vice-president and its treasurer or secretary, and verified by them to the effect that the statements contained in it are true. In the case of racing courses to be used for running races or steeplechases, a license from the state racing commission must also be obtained in the manner hereinafter provided, and such license be filed with such certificate.

Certificates of payment of stock, etc., to be filed.

Licenses to be filed.

§ 3. This act shall take effect immediately.

Chap. 258.

AN ACT to amend the highway law relative to reports of the commissioner of highways.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Highway
law
amended.

Section 1. Subdivision two of section nineteen of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter thirty-five of the laws of nineteen hundred and one, is hereby amended to read as follows:

2. The sum received by them for penalties, commutations and all other sources, and an itemized account of all moneys paid out during the year, with receipts or vouchers in full by the respective parties to whom such money was paid, which account and each and every receipt or voucher is to be filed forthwith with the town clerk of the town, and be open to public inspection during the office hours of such clerk.

§ 2. This act shall take effect immediately.

Chap. 259.

AN ACT to amend the town law, relating to reports by town officers that disburse public moneys.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town law
amended.

Section 1. Section one hundred and sixty-one of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns constituting chapter twenty of the general laws," as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven and chapter three hundred and sixty-three of the laws

of eighteen hundred and ninety-eight is hereby amended to read as follows:

§ 161. Meeting of town board for receiving accounts of town officers.—At the meeting of the town board held on the Tuesday preceding the biennial town meeting and on the corresponding date in each alternate year, or on the third Tuesday of December in each year, all town officers who receive or disburse any moneys of the town, shall account with the board for all such moneys received and disbursed by them by virtue of their office, and produce all receipts, orders and vouchers which they may have respecting the same, but no member of the board shall sit as a member of the board when any account in which he is interested is being audited by the board. The board shall make a statement of such accounts, and append thereto a certificate signed by at least a majority of them, showing the state of the accounts of each officer at the date of the certificate, which statement, certificate, receipts, orders and vouchers shall each be filed with the town clerk of the town, within three days thereafter, and be open to public inspection during the office hours of such town clerk.

§ 2. This act shall take effect immediately.

Chap. 260.

AN ACT to provide for the appointment of a commission to examine wild and forest land in Suffolk county with the view to the location thereon of a state park.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within thirty days after the passage of this act there shall be appointed by the governor three commissioners, to be known as the Long Island state park commissioners. Said commissioners shall hold office until January first, nineteen hundred and three. Each commissioner shall be entitled to receive his actual disbursements for his expenses in performing the duties of his office, to be audited by the comptroller. In the

Commis-
sioners, ap-
pointment
of.

Compensa-
tion.

event that any of the persons so appointed as above will not undertake the office, or in case of a vacancy, such vacancy shall be filled by the governor.

Vacancies,
how filled.

Powers and
duties.

§ 2. The said commissioners shall have power and it shall be their duty to examine the forest or wild land in the territory embraced in the towns of Smithtown, Islip, Brookhaven, Riverhead and Southampton, with the view to the location therein of a state park, for the protection of forests and the protection and breeding of deer and wild game. If in the opinion of said commissioners there is in such territory five thousand or more acres of forest or wild land suitable for such purpose, they shall cause to be made by the state engineer, and it shall be his duty to make, a map of such tract or tracts of land. Such map shall be certified by a majority of the commissioners and a copy thereof shall be filed in the office of the secretary of state, and in the office of the county clerk of Suffolk county.

Map, where
filed.

§ 3. The said commissioners shall ascertain to the best of their ability the value of such wild and forest land and the price per acre at which five thousand or more acres thereof can be acquired by the state, and whether a good clear and unincumbered title can be obtained; and the said commissioners are hereby authorized to take from the owner or owners of said lands a contract or contracts binding such owner or owners to convey said lands to the state of New York at the option of the state, at any time within two years from the date thereof.

Contracts.

Meetings.

§ 4. The said commissioners shall hold their first meeting at twelve o'clock noon at the court house in the village of Riverhead, in the county of Suffolk on the second day of June, nineteen hundred and two. The said commissioners shall at said meeting choose from themselves a president and a secretary. On or before the first day of January, nineteen hundred and three, the said commissioners shall prepare and submit to the legislature of this state a report embodying the result of their investigation and their conclusions.

Officers.

Report.

§ 5. This act shall take effect immediately.

Chap. 261.

AN ACT to authorize the county of Albany to provide for the temporary detention of juvenile delinquents with the Mohawk and Hudson river humane society and make compensation therefor.

Became a law, March 27, 1902, with the approval of the Governor. Passed,
a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Mohawk and Hudson river humane society is hereby authorized to receive and detain temporarily in its house of detention in the city of Albany, juvenile delinquents who may be temporarily committed to its charge pending a decision by the magistrate or court or the superintendent of the almshouse of Albany county before whom such delinquent may be brought as to the disposition or judgment which may be made in the particular case. Immediately upon the commitment of any juvenile delinquent to it for the purposes aforesaid, the Mohawk and Hudson river humane society shall notify the superintendent of the almshouse of the county of Albany of the fact of such commitment, stating the name of such delinquent, its sex, its age, the offense charged and the date of the commitment and by whom. Immediately upon the discharge of such child or its commitment to some other institution, it shall be the duty of the society to advise the superintendent of the almshouse of Albany county to that effect. Said superintendent of the almshouse of Albany county shall include within his statement to the board of supervisors thereof each year a statement of the juvenile delinquents who may have been committed within the year to the care and custody of said society, and the board of supervisors of Albany county is authorized to audit the claim of said society for the care of said juvenile delinquents during the time that they shall remain under its custody and control and for such services as shall be rendered and such disbursements as shall be made by the society in connection therewith.

Corporation
authorized
to detain
juvenile de-
linquents.

Statement

§ 2. This act shall take effect immediately.

Chap. 262.

AN ACT for the survey of a proposed navigable canal between Hempstead bay and Jamaica bay.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state engineer and surveyor is hereby authorized and directed to make a survey of the most direct, and best location, and route for a navigable canal of six feet depth and fifty feet width at mean low water mark or level, from Hempstead bay on the westerly end of Great South bay, by the best route as may be determined by the survey to Norton's creek, and thence northwesterly through Norton's creek to Beach channel in Jamaica bay, being a distance of about three miles.

§ 2. The sum of five hundred dollars or so much thereof as may be necessary is hereby appropriated for the purpose of said survey.

§ 3. This act shall take effect immediately.

Chap. 263.

AN ACT to amend the agricultural law, relative to the time of holding the state fair.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-two of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as added by chapter three hundred and forty-six of the laws of nineteen hundred, is hereby amended to read as follows:

§ 142. **State fair.**—It shall be the duty of the said commission to hold a state fair at such times as it may deem proper, and between January first and February fifteenth in each calendar year to publish the time of holding said fair in such year. It shall not be lawful for any corporation, association or individual to hold or conduct any trotting or pacing race or races during the week in which the state fair is held except upon half mile tracks, and except at the fairs held by agricultural societies which have received moneys from the state, and no corporation, association or individual holding such races during said week shall be entitled to any of the benefits conferred by chapter five hundred and seventy of the laws of eighteen hundred and ninety-five and any acts amendatory thereof or by any general or special law. Such commission may make, alter, suspend or repeal needed rules relating to such fair, including the times and duration thereof, the terms and conditions of entries and admissions, exhibits, sale of privileges, payment of premiums, and any other matters which it may deem proper in connection with such fair. It shall furnish to each person who on the seventeenth day of January, nineteen hundred was a life member of the state agricultural society, a free admission to the fair ground during the fair of each year during the life of such member.

§ 2. The acts of the state fair commission in fixing the time of holding the state fair for the year nineteen hundred and two, and in publishing such time are hereby legalized, ratified and confirmed, and shall be of the same force and effect as if such time had been fixed and published during the period between January first and February fifteenth, nineteen hundred and two.

§ 3. This act shall take effect immediately.

Chap. 264.

AN ACT to amend chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-three, entitled "An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain parts of acts," as amended by chapter one hundred and thirty-one of the laws of eighteen hundred and ninety-four, in relation to the provisions for the police department of said village.

Became a law, March 27, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section twenty-five of title six of chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-three, entitled "An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts," is hereby amended so as to read as follows:

Pay of
policemen.

§ 25. The pay of each of said policemen shall be fixed by said police commissioners, and shall be at the rate of not less than forty-five nor more than sixty dollars per month, for such time as any such policeman shall actually serve, except that the policeman designated as chief of police shall be paid at the rate of not less than sixty nor more than seventy-five dollars per month, and each of such special patrolmen shall be paid two dollars for each day he shall actually serve. Such salaries shall be paid monthly upon the warrant of the trustees of said village, drawn upon the treasurer of the village, and the money to pay the same shall be taken from the fund which is designated as the police justice fund; whenever there shall not be sufficient money to the credit of that fund with which to pay such salary, then and in that case the trustees of the village of Canandaigua are hereby authorized to borrow money sufficient for such purpose, and the amount so borrowed shall be in addition to and collected with the amount annually raised by taxation in said village as now authorized by law. Such policemen shall not receive any other compensation, except when traveling in discharge of their duty in conveying persons to prison, or by

direction of the police commissioners in the discharge of their duties, or upon direction of the police justice upon warrant issued by him, when their actual expenses shall be paid upon a verified account of the items of such expenses in detail, to be certified by the board of police commissioners, and audited and paid by the trustees of the village of Canandaigua, out of the police justice fund. The board of police commissioners may by resolution give to any such policeman, including the policeman designated as the chief of police, a vacation or vacations, not exceeding in the aggregate two weeks in any year; and the period or periods of such vacation or vacations shall be included as a part of the time for which such policeman shall be entitled to pay as time actually served by him. Vacations.

§ 2. This act shall take effect immediately.

Chap. 265.

AN ACT to amend section twenty-five hundred and thirteen of the code of civil procedure relative to stenographer for surrogates courts in counties other than New York and Kings.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five hundred and thirteen of the code of civil procedure is hereby amended so as to read as follows: Code of civil procedure amended.

§ 2513. The surrogate of each county except New York and Kings, may, in his discretion, appoint, and at pleasure remove, a stenographer for his court, who shall be paid a reasonable compensation, certified by the surrogate, in every case in which he takes notes of testimony. Such compensation is part of the costs of the proceedings. The stenographer of the surrogate's court of the counties of Albany, Erie, Niagara and Rensselaer shall receive a salary, to be fixed by the surrogate, in the county of Niagara not exceeding eight hundred dollars per annum, and in the counties of Albany, Erie and Rensselaer, not exceeding twelve hundred dollars per annum, and shall deliver to the surrogate of the county a full copy of all the minutes taken by Stenographers, appointment and compensation of.

Fees.

him; and on the receipt of his fees, not exceeding three cents per folio, a like copy to the party, or each of the parties, to the proceeding in which the minutes were taken. When not actually engaged in the discharge of his duties as stenographer, he shall perform such clerical duties in connection with the surrogate's court as the surrogate directs.

Other duties.

§ 2. This act shall take effect immediately.

Chap. 266.

AN ACT to amend section six hundred and sixty-six of the penal code in relation to the use of automobiles or motor vehicles on highways.

Became a law, March 27, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Penal code amended.

Section 1. Section six hundred and sixty-six of the penal code is hereby amended to read as follows:

Rate of speed.

§ 666. A person driving any vehicle upon any plank road, turnpike or public highway, who unjustifiably runs the horses drawing the same, or causes, or permits them to run, or who drives or operates an automobile or motor vehicle, whether the motive power of the same be electricity, steam, gasoline or other source of energy, upon any plank road, turnpike or public highway within any city or incorporated village, at a greater rate of speed than eight miles per hour, except where a greater rate of speed is permitted by the ordinance of a city, or upon any plank road, turnpike or public highway outside of any city or incorporated village at a greater rate of speed than twenty miles per hour, or upon any bridge at a greater rate of speed than four miles per hour, is guilty of a misdemeanor, and shall be fined for the first offense not exceeding the sum of fifty dollars, and for the second offense not exceeding fifty dollars, or by imprisonment for a term not exceeding six months, or both.

Penalty.

§ 2. This act shall take effect immediately.

Chap. 267.

AN ACT to amend the forest, fish and game law, relative to taking of shellfish on beds of natural growth.

Became a law, March 27, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-five of chapter twenty, of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows: Forest, fish and game law amended.

§ 125. Dredging and raking for shellfish.—Dredges for taking of shellfish from public or unleased lands shall not be operated from any boat propelled otherwise than by sail or oars.

§ 2. This act shall take effect immediately.

Chap. 268.

AN ACT to amend chapter one hundred twenty of the laws of eighteen hundred eighty-six, entitled "An act to revise the charter of the city of Lockport" and the several acts amendatory thereof and supplemental thereto, relating to the construction and maintenance of water works and the procuring of a supply of pure and wholesome water sufficient for public and domestic purposes, and to repeal section one hundred fifty-five of said act.

Passed without the acceptance of the city.

Became a law, March 28, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred thirty-five of chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled, "An act to revise the charter of the city of Lockport," Charter amended.

and the several acts amendatory thereof and supplemental thereto is hereby amended so as to read as follows:

City water
works
authorized.

Condemna-
tion pro-
ceedings.

Bonds,
issue of.

Interest,
rate, and
when
payable.

Sale.

Tax.

§ 135. The city may purchase, construct, maintain, and regulate water works for supplying said city and its inhabitants with water and may purchase, lease or otherwise acquire such lands, easements, property, tenements, hereditaments, rights, privileges and franchises, as may be required therefor, within the counties of Niagara, Erie and Genesee; and in case the city is unable to agree upon the terms of purchase or lease of such property, it may acquire the same by condemnation proceedings. For the purpose of securing a supply of pure and wholesome water in and for said city for public and domestic purposes, the common council may and it is hereby authorized:

First. To issue bonds to an amount deemed necessary by the common council, not exceeding five thousand dollars, and expend the proceeds thereof in the investigation of the different sources and plans for a supply of pure water for municipal and domestic purposes for the city of Lockport, and to employ an expert or experts, in the performance of such work. Said bonds shall bear interest at not to exceed four per centum per annum, payable semi-annually, and shall not be sold at less than par. Said bonds shall be signed by the mayor and countersigned by the city clerk of said city, and be sealed with the city seal, and the principal and interest thereof shall be payable at the office of the city treasurer of said city, or at such other place as the common council thereof shall designate. The city treasurer shall invite sealed proposals for said bonds by public advertising for not less than ten days, and shall award the same to the highest bidder or bidders therefor, provided that no proposals for said bonds shall be accepted for less than the par value of the same. Said proposals shall be publicly opened by the city treasurer in presence of the mayor and city clerk. One-fifth of the amount of the principal of the bonds so issued shall become due and payable in each year after the issue thereof until said bonds be fully paid. The common council of said city is authorized to raise by general tax levy in each and every year, after the passage of this act, the amount of principal and interest of said bonds due in each such year. The moneys received from the sale of said bonds shall be placed by the city treasurer

to the credit of a fund to be known as the "municipal water supply investigation fund," and shall only be used for the purposes of this act, and all drafts thereon shall be audited and approved by the common council.

Second. To submit to the electors of said city, any proposition, which may be adopted by it under the subsequent subdivisions of this section, or either of them; and no contract or agreement shall be entered into nor any bonds issued, as therein provided, until the proposition, which has been adopted by the common council, shall have been submitted to and approved by the electors as herein provided. Such proposition shall be submitted to such electors in the manner provided by the election law, at either a general or special election, and the common council is hereby authorized to call a special election for such purpose. If a special election be called it shall be held in accordance with the provisions of the election law applicable thereto. The common council shall cause to be published twice in each week, for at least three weeks immediately preceding such election, in all the daily newspapers published in said city, a notice subscribed by the clerk of said city, containing in general terms the proposition or propositions to be submitted to the electors at such election, and the estimated expense to the city, involved therein or the amount of bonds proposed to be issued therefor. Every elector qualified to vote at such election shall be entitled to vote upon such proposition or propositions, and a majority of all the electors voting thereon shall be necessary to the approval thereof. In the event of the failure of the electors of said city to so approve of any proposition or propositions so submitted, said common council shall have the power again to submit the same or any other proposition or propositions in the manner hereinbefore provided and to continue such submission from time to time until the approval of a proposition so submitted be had. In the event of the approval by the electors of a proposition therefor submitted as required by this subdivision, the common council shall, and it is hereby authorized to,

Propositions to be submitted to electors.

Election law applicable.

Publication of notice.

Electors to vote on propositions.

Third. Acquire, construct, maintain, control, and operate a system of water works, with pumping stations, conduits, reservoirs and other requisites to furnish the city of Lockport with water from any source in Niagara, Erie or Genesee coun-

Construction of water works.

ties, or any body of water adjacent thereto. The common council and all persons acting under its authority and direction shall have the right to enter, appropriate, occupy and use any public street, highway, avenue, road or other public ground, for the purpose of constructing, maintaining and operating such water works in the counties aforesaid, but shall, in all cases, restore the same to its former state of usefulness. A contract or agreement shall not be entered into under this section which shall require an expenditure of more than five hundred dollars, without first advertising for at least sixty days for proposals to enter into contract for the work or materials required, and all such contracts shall be let to the lowest bidder, who shall furnish such security for faithful performance as shall be approved by the council, and the council may reject bids, in its discretion, and readvertise for proposals. If the city of Lockport shall construct a system of water works under the provisions of this subdivision, said common council is hereby authorized to issue bonds in the name and upon the credit of the city of Lockport, which shall be executed by the mayor under the corporate seal of the city and countersigned by the city clerk, in an amount not exceeding five hundred thousand dollars. Such bonds shall bear interest at the rate of not to exceed four per centum per annum, and shall become due and payable at such time and place, and shall be of such denominations as the common council may direct, unless otherwise provided by law. If the amount of bonds issued under this subdivision, together with the then existing indebtedness of the city shall exceed ten per centum of the then assessed valuation of the real estate of the city of Lockport as shown by the last assessment roll, then the bonds issued hereunder, in excess, of such ten per centum, shall be made payable in not to exceed twenty years; and the common council shall provide for their redemption by raising annually a sum which shall produce an amount equal to the sum of the principal and interest on such bonds at their maturity. Such bonds shall be sold to the highest bidder, after the same shall have been advertised for not less than thirty days by the city treasurer; but in no event shall the bonds be sold at less than par. The moneys received from the sale of such bonds shall be placed

Contracts.

Bonds,
issue of.

Interest,
rate, and
when
payable.

Provision
for re-
demption.

Sale of
bonds.

Application
of
proceeds.

by the city treasurer to the credit of the water supply fund, and shall be used for no purpose other than the discharge of the indebtedness incurred under the provisions of this section. All moneys required to pay the interest upon such bonds and the charges and expenses of maintaining and operating such water works, over and above the receipts therefrom, and to pay and discharge said bonds, as the same shall from time to time become due, shall be raised by general tax upon the real and personal estate within said city, as the same may from time to time be bounded, in addition to any sum authorized by section two hundred and thirty-one of this act, and in the manner provided by title fourteen of this act. Upon the construction and completion of such water works, the same shall be operated and controlled by the board of water commissioners of said city; or

Fourth. In the place and stead of constructing, maintaining and operating a water works system, as in the third subdivision of this section provided, enter into a contract with any person or corporation, for a term not exceeding thirty years, for the furnishing of an adequate supply of pure and wholesome water sufficient for all municipal and domestic purposes, to be taken from any source in Niagara, Erie or Genesee counties or any body of water adjacent thereto, to be delivered either into a reservoir in or near the city of Lockport, or directly into the water mains of the city water works system, and from time to time may extend or renew such contract. If, under this subdivision, a contract be made for the furnishing of a supply of pure and wholesome water to be delivered into a reservoir in or near the city of Lockport, then the common council shall have power to erect, construct and maintain a pumping plant, or plant and reservoir, with such necessary connections with the present water works system of said city, as may be needed for the purpose of distributing water throughout the city. If the city of Lockport shall construct a water works distributing plant or plant and reservoir, under the provisions of this subdivision, said common council is hereby authorized to issue bonds in the name and upon the credit of the city of Lockport, which shall be executed by the mayor, under the corporate seal of the city, and countersigned by the city clerk in an amount not exceeding the cost of such plant or

Tax.

Contract to furnish water, etc.

Common council to have power to erect pumping plant, etc.

Bonds, issue of.

Interest.

Contracts,
how
invited
and let.

Tax.

Authority
to lease
existing
water
works
system.

Provisions
in lease.

plant and reservoir, and not exceeding three hundred thousand dollars. Said bonds shall bear interest and shall become due and payable, and shall be sold and the proceeds thereof disposed of in the manner provided by subdivision three of this section. A contract for the construction of such distributing plant, or plant and reservoir, shall not be made under this subdivision of this section, without first advertising for at least sixty days for proposals, to enter into contract for the work or materials required and all such contracts shall be let to the lowest bidder, who shall furnish such security for faithful performance as shall be approved by the council, and the council may reject such bids, in its discretion, and readvertise for proposals. All moneys required to pay the amount due upon such contract for the furnishing of such water in each year, and the expenses of maintaining and operating such distributing plant, or plant and reservoir, and to pay the interest and principal of said bonds, over and above the income of the water works department, shall be raised by general tax upon the real and personal property within said city, as the same may from time to time be bounded, in addition to any sum authorized by section two hundred thirty-one of this act, and in the manner provided by title fourteen of this act; or

Fifth. In place and stead of the exercise of the powers granted to it in the third subdivision of this section, and, in addition to the exercise of the powers granted to it in the fourth subdivision of this section, lease for a period not exceeding thirty years and extend or renew the same from time to time, the existing water works system of the city of Lockport, with provisions in said lease for extensions and renewals of said existing water works system, to any person or corporation that will contract as in said fourth subdivision prescribed to furnish a supply of pure and wholesome water, sufficient in quantity for both domestic and municipal, including fire purposes, to be taken from a source of supply in Niagara, Erie or Genesee counties, or any body of water adjacent thereto, to be approved by the common council, and to distribute, furnish and sell the same to the city and its citizens at a fair and just compensation; subject, however, to the approval of the electors of said city as provided in subdivision second of this section. Any

contract made under this subdivision must require the lessee to maintain the present water works system in good repair and to surrender the same at the expiration of the lease in as good condition as the same was at its commencement, ordinary depreciation by use, excepted, and to furnish such reasonable security therefor as the common council may require. Contract.

Sixth. The city of Lockport shall have the right at the expiration of any contract or lease entered into under subdivisions four or five of this section to acquire by purchase or condemnation, all property and rights of any party contracting with the city to furnish water, under subdivisions four or five of this section, and which are used by such party exclusively therefor, provided notice in writing of its intention so to do shall have been given by said city at least two years before the expiration of such contract or lease. If the city of Lockport shall acquire the property and rights of any party or corporation, contracting with the city to furnish water under subdivisions four or five of this section, said common council is hereby authorized to issue bonds in the name and upon the credit of the city of Lockport, which shall be executed by the mayor, under the corporate seal of the city, and countersigned by the city clerk, in an amount not exceeding the purchase price of such property and rights. Such bonds shall bear interest and shall become due and payable, and shall be sold and the proceeds thereof disposed of, and moneys necessary to pay all interest upon the same, and the charges and expenses of maintaining and operating such water works, and to pay and discharge said bonds, over and above the receipts therefrom, shall be raised by general tax in the same manner as provided by subdivision three of this section. City may acquire property and rights, etc., at expiration of contract or lease.

§ 2. Section one hundred fifty-five of said act is hereby repealed. Proviso.

§ 3. This act shall take effect immediately. Bonds, issue of.

§ 2. Section one hundred fifty-five of said act is hereby repealed. Interest.

§ 3. This act shall take effect immediately. Sale.

§ 2. Section one hundred fifty-five of said act is hereby repealed. Tax.

§ 3. This act shall take effect immediately. Section repealed.

Chap. 269.

AN ACT to incorporate the city of Plattsburgh.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

THE CHARTER OF THE CITY OF PLATTSBURGH.

- Title**
- I. Incorporation, boundaries, civil divisions and definitions. (§§ 1-5.)**
 - II. City officers, eligibility, elections, appointments, terms of office, compensation, filling vacancies. (§§ 7-17.)**
 - III. City officers; their general powers and duties. (§§ 18-35.)**
 - IV. The common council. (§§ 36-51.)**
 - V. Department of public works, local improvements, streets, highways, sewers, paving streets and construction of sidewalks. (§§ 52-70.)**
 - VI. The fire department. (§§ 71-79.)**
 - VII. The police department. (§§ 80-97.)**
 - VIII. Department of public instruction. (§§ 98-113.)**
 - IX. Health department. (§§ 114-118.)**
 - X. Department of charities. (§§ 119-123.)**
 - XI. Department of law. (§§ 124-129.)**
 - XII. City court. (§§ 130-143.)**
 - XIII. Actions by and against the city. (§§ 144-146.)**
 - XIV. Assessment and taxation. (§§ 147-169.)**
 - XV. Miscellaneous. (§§ 170-185.)**

TITLE I.

INCORPORATION; BOUNDARIES; CIVIL DIVISIONS; DEFINITIONS.

Section 1. Short title; public act.

2. Boundaries of the city.

3. Corporate name and powers.

4. Division into wards; ward boundaries.

5. Definitions.

Section 1. **Short title; public act.**—This act is a public act and shall be known as “the charter of the city of Plattsburgh.”

§ 2. **Boundaries of the city.**—All that part of the town of Plattsburgh, in the county of Clinton, within the following boundaries, is hereby constituted a city, which shall be known and designated as the “city of Plattsburgh,” to wit: Beginning in the shore of Lake Champlain, at low-water mark in Cumberland bay, at the southeast corner of lot number ninety-seven, Plattsburgh old patent, running thence northerly in the east bounds of said lot to the south bounds of the highway leading from the state road to Cumberland head; thence westerly in the south bounds of said highway to the west bounds of the state road; thence southerly in the west bounds of the state road to a point which is the intersection with the north line of lot number one hundred and twelve extended easterly; thence westerly in the said line extended and along the north line of said lot number one hundred and twelve to the northeast corner of lot number one hundred and one, thence southerly in the east bounds of lot number one hundred and one to the northeast corner of the Boynton farm; thence westerly in the north bounds of the Boynton farm and the said north bounds extended westerly to the so-called Beekmantown road; thence south in the east bounds of said road to the south bounds of Boynton avenue; thence westerly in the south bounds of Boynton avenue to the northwest corner of lot number ten; thence southerly in the west bounds of lot number ten to the south bounds of the so-called plank road; thence westerly in the south bounds of the said plank road to the northwest corner of lot number sixteen; thence southerly in the west bounds of lot number sixteen to Rugar street; thence westerly in the north bounds of Rugar street to the northeast corner of lot number twenty-eight; thence southerly in the east bounds of lot number twenty-eight and the same line extended to the south bounds of the Saranac river; thence easterly in the south bank of said river, as it winds and turns, to the east bounds of lot number sixty-six; thence southerly in the east bounds of lot number sixty-six to the southwest corner of lot number ninety-four; thence easterly in the south bounds of lot number ninety-four to the west bounds of the highway crossing said lot; thence northerly in the west bounds of said highway to the south bounds of the right of

way of the Chateaugay railroad; thence easterly along the south bounds of said right of way, as it winds and turns, to the north line of lot number sixty, Plattsburgh old patent; thence east along said north line of lot number sixty to the west shore of Lake Champlain at low-water mark; thence northerly on the westerly shore of Lake Champlain, at low-water mark as it winds and turns, to the place of beginning.

§ 3. Corporate name and powers.—1. The citizens of the state of New York from time to time inhabitants within the boundaries of the “city of Plattsburgh,” as aforesaid, shall be a municipal corporation in perpetuity under the name of the “city of Plattsburgh.” The said corporation may take, purchase, hold, sell and convey real and personal property; it may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for improvement of cemetery, for the erection of statues, monuments, public buildings or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and may provide for the proper execution of said trust, and may have, use, and from time to time alter, a common seal, may sue and defend in all courts and may do anything necessary to carry into effect the powers granted to it.

2. Town of Plattsburgh.—The town of Plattsburgh shall hereafter consist of all the territory heretofore constituting said town, except that portion thereof embraced within the boundaries of the city of Plattsburgh, and the territory embraced within the boundaries of said city as hereinbefore described shall not constitute or be a part of the town of Plattsburgh.

3. Succession of liabilities.—The corporation known as the village of Plattsburgh and included in the boundaries of said city is hereby dissolved, subject to the provisions of this act. The city of Plattsburgh shall succeed to and be vested with all the rights and property of the said village of Plattsburgh, and shall succeed to and be liable for all the liabilities of said village corporation, of every name and nature; and every suit, prosecution or proceeding commenced by or against said village corporation, and pending at the time of the passage of this act, may be continued by or against and in the name of said village, or at the option of the parties thereto, the name of said city may be sub-

stituted instead of said village corporation and in the name of said city all suits, actions or proceedings may be continued. All divisions of said village into road, fire or other districts, highways, streets, parks and alleys, shall remain, be and continue such divisions, highways, streets, parks and alleys in the city of Plattsburgh until changed or abolished by the common council of said city; and all ordinances, rules and regulations of the board of trustees of the said village of Plattsburgh, in force at the time of the passage of this act, shall be and continue to be in force, and shall have the same force, over the entire limits of the city of Plattsburgh as in and by this act established, until repealed, modified or changed by the common council of said city; subject, however, to the provisions of this act; the said common council is hereby authorized and empowered, in the name, for and in behalf of the city of Plattsburgh, to enforce all such ordinances, rules and regulations, and all contracts of said village, including collections of debts and demands, imposition and collection of fines and penalties, prosecution and defense of all suits; and to do, take and perform all other acts and proceedings that may be or become necessary or proper to carry out and enforce said contracts, ordinances, rules and regulations, with the same power and to the full extent, as might have been done by or on the part of the board of trustees of said village, or by said village; and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of, any such contract, ordinance, rule or regulation, or otherwise as well as any liability that may have arisen by reason thereof, shall remain and be the same as they would have been under the village charter of said village; and all rights and liabilities of said village, existing at the time of the passage of this act, shall be in no wise affected or changed by reason of this act; but all actions and proceedings which may be hereafter commenced to enforce or protect any such accrued or existing rights, privileges or liabilities, shall be brought and prosecuted or defended by or in the name of the city of Plattsburgh. All rules and regulations pertaining to the government of the fire department of the said village, in force at the time of the passage of this act, shall remain, be and continue the same under the said city as under said village government, until modified or repealed by the proper authorities of said city of

Plattsburgh, and all officers and members of said fire department of the village of Plattsburgh shall become and be the officers and members of the fire department of the city of Plattsburgh, and shall perform all the duties devolving upon them as such firemen, and have and retain all the rights and privileges in the same manner and in all respects as if this act had not been passed, subject, however, to the further provisions of this act, and the exercise of powers by this act conferred. The ownership and control of all the property and effects pertaining to or connected with the fire department of said village shall, by virtue of this act, vest in the city of Plattsburgh and in the fire department thereof, in the same manner and to the same extent in all respects as the same is now vested in said village and fire department, subject, however, to such changes as the city of Plattsburgh may make respecting the same.

§ 4. Division into wards.—The city shall be divided into six wards as follows:

First ward.—All that portion of the city lying within the following boundaries, namely: Commencing at a point where the center line of Brinkerhoff street intersects the center line of Margaret street, running thence northerly in the center line of Margaret street to the center of Bridge street, thence in the center line of Bridge street to the center of Saranac river, thence easterly in the center line of Saranac river to Lake Champlain, thence along the shore of Lake Champlain to a point on said shore in the center line of Lorraine street, if extended; thence westerly in the center line of Lorraine street to the center of Miller street, thence northerly in the center line of Miller street to the center of Elm street; thence westerly in the center line of Elm street to the center of Catherine street; thence southerly in the center line of Catherine street to the center of Brinkerhoff street, thence easterly in the center line of Brinkerhoff street to the place of beginning.

Second ward.—All that portion of the city lying within the following boundaries, namely: Commencing on the shore of Lake Champlain at a point in the center of Lorraine street, if extended, to said lake, running thence westerly in the center line of Lorraine street to the center of Miller street; thence northerly in the center line of Miller street to the center of Elm street; thence westerly in the center line of Elm street to the cen-

ter of Catherine street; thence northerly in the center line of Catherine street, if extended, to the north bounds of said city; thence easterly in the north bounds of said city to the shore of Lake Champlain; thence southerly along the shore of Lake Champlain as it winds and turns to the place of beginning.

Third ward.—All that portion of the city lying within the following boundaries, namely: Commencing at a point on the shore of Lake Champlain in the northerly bounds of the United States military reservation running thence westerly in the northerly bounds of the United States military reservation to the center of the Saranac river; thence northerly in the center of the Saranac river to the center of Broad street, if extended to said river; thence westerly in the center line of Broad street to Margaret street; thence in the center line of Margaret street to the center of Bridge street; thence easterly in the center line of Bridge street to the center of Saranac river; thence easterly in the center of Saranac river to Lake Champlain; thence southerly along the shore of Lake Champlain as it winds and turns to the place of beginning.

Fourth ward.—All that portion of the city lying within the following boundaries, namely: Commencing in the center of Brinkerhoff street where it is intersected by the center line of Catherine street, running thence north in the center line of Catherine street, if extended, to the north bounds of said city; thence westerly in the north bounds of said city to the west bounds thereof; thence southerly in the west bounds of said city to the center of the plank road; thence easterly in the center line of the plank road to the center of Brinkerhoff street; thence easterly in the center line of Brinkerhoff street to the place of beginning.

Fifth ward.—All that portion of the city lying within the following boundaries, namely: Commencing at a point where the center line of Margaret street intersects the center line of Brinkerhoff street running thence west in the center line of Brinkerhoff street to the center of the plank road; thence westerly in the center line of the plank road to the west bounds of the said city; thence southerly in the west bounds of the said city to the center of the Saranac river; thence easterly in the center of the Saranac river to the center of Broad street, if extended to said river; thence westerly in the center line of Broad street to Mar-

garet street; thence northerly in the center of Margaret street to the place of beginning.

Sixth ward.—All that portion of the city lying within the following boundaries, namely: All that portion of the city lying south of the Saranac river, excepting that portion hereinbefore placed in the third ward.

§ 5. **Definitions.**—The official and fiscal year of the city shall commence with the first day of January of that year. The term “streets,” as used in this act, includes highways, alleys and lanes in the control of the public, the village of Plattsburgh, or the city of Plattsburgh. The term “resolution” as used in this act, includes all orders, rules, regulations and by-laws other than ordinances. The word “person,” as used in this act, shall be construed to include all persons, firms, corporations and associations.

TITLE XI.

CITY OFFICERS; ELIGIBILITY; ELECTIONS; APPOINTMENTS; TERMS OF OFFICE; COMPENSATION; FILLING VACANCIES.

Section 7. City officers.

8. Eligibility to city offices; vacancies created by change of residence.
9. Elective officers enumerated.
10. Appointive officers enumerated; by whom appointed.
11. Compensation of city officers.
12. Commencement and expiration of term of office.
13. City elections.
14. Canvass of votes at annual election.
15. Official salaries, when payable; fees and perquisites.
16. Suspensions and removals of appointive city officers.
17. Filling vacancies.

Section 7. City officers.—The officers of the city shall be a mayor, one alderman from each ward, two supervisors, a city clerk, a city judge, a chamberlain, a corporation counsel, fifteen members of the board of education, three members of the board of health, three commissioners of public works, three assessors, a commissioner of charities, a superintendent of public works, a chief of police, four patrolmen, special policemen as

hereinafter provided, two constables, a chief engineer of the fire department, a first and second assistant engineer of the fire department, and a health officer, who shall also be the city physician.

§ 8. **Eligibility to city offices.**—No person shall be elected or appointed to any city office, other than superintendent of schools, chief of police, patrolmen, special policemen, constables, chief of fire department and members of the fire department, unless he shall be at the time a resident elector and he or his wife an owner of property in said city which is subject to taxation, nor to any ward office unless he shall be at the time a resident elector in such ward; and he or his wife an owner of property in said city which is subject to taxation, and the election or appointment of any person not so qualified shall be void. No person, shall be elected city judge unless he shall have been for at least one year previous to his election, duly admitted to practice as an attorney and counselor in the several courts of this state. Whenever any officer of said city, shall cease to be a resident of said city, or of the district or ward for which he was elected or appointed, his office shall thereby become vacant.

§ 9. **Elective city officers enumerated:**

1. **Elective city officers.**—The elective city officers to be elected by the electors of the city at large shall be a mayor and two supervisors; the elective officers of the city to be elected by each ward shall be one alderman.

2. **Terms of elective officers.**—Other than as provided by this act the term of office of the mayor and aldermen shall be two years. The term of office of supervisors shall be in duration the same as supervisors of towns in Clinton county.

§ 10. **Appointive city officers enumerated; by whom appointed; their term of office:**

1. **Appointive city officers.**—The appointive officers of the city of Plattsburgh shall be a city judge, a city clerk, a corporation counsel, a city chamberlain, three assessors, a commissioner of charities, three members of the board of health, three members of the board of public works, a superintendent of schools, who shall be appointed by the board of education, a superintendent of public works, who shall be appointed by the board of public works, a chief of police and four patrolmen, and special police-

men as provided in this act, two constables, a health officer, who shall be the city physician and shall be appointed by the board of health, a chief engineer and first and second assistant engineer of the fire department and inspectors of election to fill vacancies. All appointments made by the board of public works to any salaried position shall be subject to the approval of the common council, but the concurrence of three aldermen and the mayor shall be deemed the approval of the common council. All officers whose appointments are not herein otherwise specially provided for shall be appointed by the mayor, subject to the approval of the common council, but the concurrence of three aldermen shall be deemed the approval of the common council.

2. **Term of office of appointive officers.**—The term of office of the city clerk shall be two years; the city judge, two years except as herein provided; the corporation counsel, two years; the chamberlain, except as hereinafter provided, two years; the commissioner of charities, two years, except as herein provided; assessors, two years; members of the board of education, five years, each member of the board of public works and commissioners of health, two years. The term of all other appointive officers appointed by the mayor shall be determined by the mayor, and the term of each subordinate appointed by the said boards, shall be for such terms as such respective boards may determine, but the terms of office of officers appointed by the mayor shall not continue beyond the term of the mayor, except as in this act provided, and the terms of office of appointees of the boards shall not continue beyond the term of the members of the board, except as in this act provided.

§ 11. **Compensation of city officers.**—The mayor, aldermen, members of the board of education, members of the board of public works, and members of the board of health except the president, shall receive no compensation for their services. The annual salary of the city judge shall be twelve hundred dollars; the annual salary of the city clerk shall be fixed by the common council at a sum not to exceed seven hundred and fifty dollars; the annual salary of the city chamberlain shall be twelve hundred dollars, but he shall receive no fees or additional compensation whatever; the annual salary of the commissioner of charities shall be four hundred dollars; the annual salary of the

health officer and city physician shall be six hundred dollars, which shall include all expenses for medicines furnished to the poor, under his charge. The annual compensation of each assessor shall be one hundred dollars. The corporation counsel shall receive such annual salary as shall be agreed upon by the common council, not exceeding five hundred dollars. The superintendent of public works shall receive an annual salary of nine hundred dollars; the chief of police a monthly salary of seventy-five dollars; the patrolmen, other than special policemen, a monthly salary of fifty dollars; the special policemen shall receive two dollars a day if continuous employment is for less than a month, or forty dollars a month for a full month's service; the supervisors and constables shall be entitled to the same compensation for their services as the corresponding officers in towns are entitled to receive for like services; the inspectors of election and such other officers as are authorized to be appointed, shall receive the compensation fixed by law. Salaried officers by the year or month shall be paid ratably if actual service shall be less than the full term. No other appointive officer of the city shall be entitled to receive from the city any compensation for his services, unless otherwise provided by this act or by a general law.

§ 12. Commencement and expiration of term of office.—The term of office of each officer elected at a general city election shall, other than as herein provided, commence with the first day of January in the year following such election. The term of office of each officer appointed by the mayor or by the mayor and the common council for a full term shall, other than as herein provided, commence on the first day of February of the year in which such appointment is required to be made.

§ 13. City elections.—The common council shall provide polling places, ballot boxes and other necessary material in each election district in said city, for all elections in said city and the manner of conducting such elections shall, in all respects, conform to and be governed by the general laws of this state in respect to elections, not inconsistent with this act. On the second Saturday prior to any regular election, the board of inspectors shall meet as a board of registration and shall discharge the duties required of such board by the provisions of

subdivision three of section thirty-three of article two of chapter six of the election law. At each such election, other than as herein provided, a successor shall be elected to each elective city officer, whose term of office shall expire within the year in which such election is held. Public notice of every election under this act, other than as herein provided, shall be given by the common council, the notice thereof to be published in the official newspapers of said city, at least once in each week for two consecutive weeks immediately preceding the holding of such election, which notice shall designate the officers to be voted for at such election and the location of each polling place, or by such notice and in such manner, as may be required by the general election laws of this state. The polls of each general election and of each special election in said city in which one or more officials are to be elected, shall be opened at nine o'clock in the forenoon and closed at four o'clock in the afternoon. The inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk. The city clerk shall at least one week before the date fixed by law for the first meeting of the board of registry for a city election, notify each inspector of election, in writing of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city and of the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly, shall then and there be entitled to vote for all officers of the city at large, and for all ward officers to be elected in his ward. To entitle an elector or voter to vote upon a proposition to raise money by tax or by bonds, he must be entitled to vote for a city officer and he must be the owner of property in the city assessed upon the last preceding assessment roll thereof; any woman, over the age of twenty-one years, who resides in such city and is the owner of property in the city assessed upon the last preceding assessment roll, may vote upon any such proposition. No elector of any city shall vote in any election district except that in which he shall reside at the time he offers his vote, and shall have so resided at least thirty days immediately prior to the election at which he offers his vote. Each

ward of the city shall constitute an election district until some further division be made pursuant to the provisions of this act.

§ 14. **Canvass of votes at regular city election.**—The common council of said city shall meet as a board of city canvassers on the next Thursday after each regular city election. The city clerk shall present to the common council at said meeting, the certified statements of the results of such election in the several election districts of the city, as delivered to him by the inspectors of election in such districts. The common council shall canvass such certified statements and determine and declare the whole number of votes cast for each such candidate and what person was elected thereto. The persons having the greatest number of votes for the respective offices to be filled for the whole city, and those having the greatest number of votes for the offices to be filled by the several wards, or by wards voting for a supervisor, as herein provided shall be declared duly elected. In case of a tie vote, the mayor and common council shall fill such office by appointment for the full term. The city clerk shall enter such determinations and declarations in the minutes of the meeting of the common council.

§ 15. **Official salaries, when payable; fees and perquisites.**—The salaries of the city officers shall be payable in such installments and at such times and in such manner as the common council shall determine. The compensation fixed by the common council or by law for the several officers shall be in full for all services which they shall, respectively, perform for said city in any and all capacities, other than as herein provided. All fees and perquisites received by such officers shall, other than as especially provided by this act or in pursuance of any general law, be paid into the treasury for the benefit of the general city fund.

§ 16. **Suspensions and removals of appointive city officers.**—The mayor, and each city board, having appointive powers, may remove any city officer appointed by them, for dishonesty, incapacity, neglect of duty, or other irregularities, or for the reason that there are no longer any duties to be performed, giving such officers reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended pending such investigation. Such hearing shall be had before

the mayor upon charges in writing, a copy of which shall be furnished to the accused.

§ 17. **Filling vacancies.**—Other than as provided in this act, if a vacancy shall occur in any elective office of the city, except the office of mayor, otherwise than by expiration of term, the mayor shall appoint, with the approval of the common council as hereinbefore provided, persons to fill such vacancies for the balance of the unexpired term. In case of a vacancy in the office of mayor, the vacancy for the unexpired term shall be filled by the common council. A vacancy occurring in an appointive office of the city, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authorities and in the same manner as an appointment for a full term.

TITLE III.

CITY OFFICERS, THEIR GENERAL POWERS AND DUTIES.

Section 18. Official oath required by all city officers.

19. Official bond of city officers.

20. Liability of city officers for unauthorized expenditures and other official misconduct.

21. When expenditures to be by contract to lowest bidder.

22. City officers authorized to administer oaths and take affidavits and acknowledgments.

23. General powers and duties of the mayor.

24. General powers and duties of the city chamberlain.

25. General powers and duties of the city judge.

26. General powers and duties of the city clerk.

27. The corporation counsel.

28. General powers and duties of the city superintendent of public works.

29. The aldermen.

30. The constables.

31. The assessors.

32. Health officer and city physician.

33. Powers and duties of supervisors.

34. Powers and duties of other city officers.

35. Payments of money must be made from and into the general fund when not otherwise provided.

Section 18. Official oath required of all city officers.—Each officer of the city shall, before he enters upon the duties of his office, take and file his official oath in accordance with article thirteen of the constitution and section ten of the public officers' law, and for omission so to do he shall be subject to all the liabilities and penalties prescribed by section forty-two of the penal code and sections thirteen, fifteen and twenty of the public officers' law. The mayor, clerk and city judge shall forthwith upon election or appointment, file the certificate of his election or appointment, together with his constitutional oath of office with the clerk of the county of Clinton.

§ 19. Official bond of city officers.—Each city chamberlain, clerk, superintendent of public works, commissioner of charities, and city judge, shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section sixteen of the statutory construction law, and sections eleven, twelve and thirteen of the public officers' law, and for omission so to do shall be subject to the penalties and liabilities prescribed in section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law; otherwise than as herein provided, the penal sum named in any such bond, or the sum specified in any such undertaking at the maximum amount of liability thereon, shall be fixed by the common council. If a surety company shall be bondsman the fee charged therefor by the surety company shall be a charge against the city, but no agreement as to fees or compensation to be paid shall be made with any surety company without the approval of the mayor.

§ 20. Liability of city officers for unauthorized expenditures and other official misconduct.—No officers of said city or other person shall have power or authority to make any purchase in behalf of, or on the credit of, the city, or to contract any debt or liability against the city, unless authorized so to do by or in pursuance of the provisions of this act or general law; and no account, claim or demand of any kind shall be allowed or paid unless so authorized. If any officer of the city shall vote for any appropriation or for the payment of expenditures of any moneys not authorized by or in pursuance of law, such officer shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action and shall be guilty of a

misdemeanor. If the common council or any city board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the city for any purpose, exceeding the amount authorized by or in pursuance of law, to be expended in any year by the common council, each officer voting for such resolution shall be guilty of a misdemeanor and shall be personally liable for the amount thereof, and each officer present in the meeting at the passage of the resolution shall be deemed as voting for the resolution unless his dissent thereto is entered upon the minutes of the meeting at which such resolution was passed, but the city of Plattsburgh shall not be liable therefor, and neither the common council nor any city board or city officer shall pay any debt or expenditure so contracted or made. If any officer of the city authorized to make any contract in his official capacity, or to take part in making any such contract, becomes voluntarily interested in such contract, he shall be guilty of a misdemeanor and shall also be liable to the penalty prescribed by section four hundred and seventy-three of the penal code. If any person having been an officer of said city, whose term of office has expired, shall not within five days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to said city, or appertaining to such office, he shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action, together with all damages caused by his neglect or refusal, and he may also be proceeded against, as provided in section two hundred and forty-seven of the code of civil procedure, and section fifty-seven of the penal code.

§ 21. When expenditures to be by contract to the lowest bidder.—Whenever any expenditures to be made or incurred by the common council or city board or any city officer in behalf of the city for work to be done, or materials or supplies to be furnished, except ordinary repairing and macadamizing of streets, shall exceed two hundred dollars, the city clerk shall advertise for and receive proposals therefor, in such manner as the common council, or as the board or officer charged with making such contract shall prescribe, and the contract therefor shall be let to the lowest responsible bidder, who shall execute a bond to said city with one or more sureties, being freeholders, or the

bond of some solvent surety company, for the faithful performance of the contract. Each surety, if an individual, shall make an oath in writing, that he is worth a sum double the contract price, over and above all debts and liabilities he owes or has incurred and exclusive of property exempt from execution, but where the contract exceeds two thousand five hundred dollars, the amount in which the surety is required to justify may be made up by the justification of two or more sureties each in a smaller sum, but in that case a surety cannot justify in a less sum than five hundred dollars; and where two or more sureties are required to justify, the same person cannot so contribute to make up the sum for more than one of them. When the lowest bid, in the opinion of the common council, board or officer charged with making the contract, is too high, they shall have the right to reject it, and may discontinue or abandon the work or may direct the clerk to advertise for new proposals, or with the consent of the common council, such work may be done without public letting, if the estimated expenditure does not exceed five hundred dollars.

§ 22. City officers authorized to administer oaths and take affidavits and acknowledgments.—The mayor, clerk and city judge of the city shall each have the same power and authority to administer oaths and take and certify affidavits and acknowledgments as a justice of the peace of towns in the county of Clinton.

§ 23. General powers and duties of the mayor.—The mayor shall be the chief executive officer of the city and shall have and exercise all the powers conferred upon him by this act or by the general statutes of this state, not inconsistent with this act. It shall be his duty to see that the laws of this state and the ordinances and by-laws passed by the common council are faithfully executed within the city. He shall sign, on behalf of the city, all contracts made by it, and cause the seal of the city to be affixed thereto. He shall be the presiding officer of the common council and shall have the right to vote upon any question when there is a tie vote in the common council and ex officio he shall be chairman of the board of public works, but without vote as such chairman. He shall have power and authority to call out and command the police and firemen whenever, in his discretion, he shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary

for the prevention or suppression of public disturbances, mobs or riots, it shall be his duty to take such action as is authorized by chapters three and four of title two, part two of the code of criminal procedure, section one hundred and sixty-two of the military code, and section twenty-one of the general municipal law. It shall be his duty to exercise a constant supervision and control over the conduct of all city officers, and he shall have power and authority to examine at all times, the books, vouchers and papers of any officer or employee of said city, and to take and hear testimony and proof in pursuance of sections eight hundred and forty-two to eight hundred and sixty-nine of the code of civil procedure. He may designate, from time to time, the place in said city where he will keep his office. It shall be the duty of the mayor to communicate in writing to the common council as soon after his election as practicable, and as often thereafter as he may deem expedient, a general statement of the affairs of the city in relation to its finances, government and improvement, with such recommendations as he may deem proper.

§ 24. General powers and duties of the city chamberlain.—The city chamberlain shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office in such place as the common council shall provide and designate, which shall be kept open each day in the year except Sundays and legal holidays, from nine-thirty o'clock in the forenoon until three o'clock in the afternoon. He shall keep separate accounts of the different funds of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not pay money from any fund which is not properly chargeable thereto. The city chamberlain shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and receipts of the city moneys during the next preceding calendar month, a summary statement of that portion of the current fiscal year expiring with the last day of such preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time by the common council. Before entering

upon the duties of his office, and within fifteen days after he shall have received official notice of his election, the city chamberlain shall execute and file an official bond with two or more sureties, or of some solvent surety company, in the penal sum of fifty thousand dollars, in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law; and for omission to do so he shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law. Such bond shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon and the bond so endorsed shall be filed and recorded in the clerk's office of the county of Clinton, in the same manner as the official bonds of town collectors, and such bond shall be a lien on all property of such chamberlain and each of such sureties in the county of Clinton, until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon, the common council, shall, by resolution, declare that such bond is satisfied and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk and shall operate to discharge the same and the lien thereof from record. A true copy of such bond and certificate shall be filed in the city clerk's office. It shall be the duty of the chamberlain to receive all state, county, city and local taxes, assessments and water rents which may be paid at such office and to retain there, and not elsewhere, the possession of the warrants and assessment-rolls which may, from time to time, be delivered to him by the clerk of the city. He shall enter daily, in suitable books, all sums of money received by him for taxes and for fees for collection of taxes or otherwise received, with the name of the person or corporation on whose account the same shall be paid, and shall at the expiration of each month exhibit the same in his office to the mayor and finance committee of the common council for their action. He shall also enter in a column in the assessment-rolls in his possession, opposite the names of the person or corporations who shall pay their taxes or assessments, the fact of the payment, the amount thereof with collection fees and the

date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for non-residents of said city, and the residence of such non-residents, so far as he can ascertain the same. The chamberlain shall be the custodian of all securities, obligations and other evidence of debt belonging to the city. He shall annually settle with the common council, and as much oftener as it may require, for all tax-rolls and warrants issued to him, and for all moneys received or collected by him including fees for collection for school or other purposes and produce the proper vouchers of the board of education and other officers for all money paid upon the warrants, drafts or orders of said officers. At the time of the annual settlement and immediately preceding the expiration of his term of office, or within such time after the annual settlement as the common council may fix, he shall pay to his successor in office all such moneys remaining in his hands including such collection fees and deliver to such successor in office, all assessment-rolls, books, papers and property, belonging to said city or pertaining to the affairs of the city in connection with the duties of his office.

§ 25. General powers and duties of the city judge.—The city judge shall be the judge of the city court which shall have both civil and criminal jurisdiction. He shall possess all the jurisdiction, power and authority in both civil and criminal proceedings as are or may be vested in justices of the peace of a town, together with such other powers and duties as are conferred upon him by this act, and shall collect to the same fees in civil proceedings as such justices of the peace; and on the first day of each month he shall report and pay over to the city chamberlain all fees collected by him during the preceding month.

§ 26. General powers and duties of the city clerk.—The city clerk of said city shall be ex officio clerk of the common council, of the board of public works and of the board of health, and he shall also be registrar of vital statistics of the said city, and shall discharge the duties imposed by law upon such office or officer, but shall receive from the city no fees therefor directly or indirectly. He shall perform such other duties incident to his office as may be required by the common council or by any such board. He shall keep the minutes of the meetings of the common council and of each board of which he is ex officio clerk,

and shall record in books to be kept for that purpose, all proceedings of the common council and of each such board, and index the same. He shall keep an office at such place as the common council shall provide and designate. He shall have charge, custody and control of the corporate seal, books, papers, documents and official minutes of the city, except as otherwise provided or in pursuance of law. He shall keep a book and alphabetically index and record therein all bonds of the city officers as well as all contractors' or other bonds running to the city or any of its officers, and note therein the date of filing each bond. He shall upon request and the payment of fees therefor, make certified copies of all records and documents in his possession or under his control, as such clerk or ex officio clerk, and may affix the corporate seal of the city to any such certificate, and such seal shall be deemed to be his official seal, and any such certified copies shall be evidence as provided in section nine hundred and thirty-three of the code of civil procedure. He shall be entitled to demand and receive fees and appropriate the same to his own use for such certified copies, at the rate of ten cents per folio, from each person other than a city officer, upon whose request any such certified copy is made and delivered. He shall keep an accurate account of all fees and moneys received by him as such clerk or ex officio clerk, other than his salary, including fees received by him as registrar of vital statistics, and shall, on or before the tenth day of each month, pay over all such fees and moneys received by him (except the fees aforesaid for copies) during the month immediately preceding, to the city chamberlain to the credit of the general fund, for which he shall take a receipt and file the same in his office. Such receipt shall, at all times, be subject to examination by the common council, or any member thereof. His office is hereby declared a town clerk's office for the purpose of depositing and filing therein, all books and papers required by law to be filed in a town clerk's office, and he shall possess all the powers and discharge all the duties of a town clerk not inconsistent with this act, except that chattel mortgages shall be filed as heretofore in the office of the county clerk in Clinton county, and the law relating thereto is not by this act changed.

§ 27. The corporation counsel.—The corporation counsel shall be the official advisor of the common council, and all the boards and other officers of the city, including the assessors. He shall,

when directed by the mayor or by the common council, prosecute all charges against appointees and prosecute and defend all actions and proceedings by and against the city and every department thereof, including criminal prosecution for violations of ordinances and violations of any provision of this act, and perform such other professional services relating to said city, as the mayor and common council may direct. He shall when required, prepare all legal papers, contracts, deeds and other instruments for the city and the different departments thereof. At the expiration of his tenure of office he shall hand and deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party, and also all papers on the part of the city therein, and also sign stipulations substituting said successor as attorney for the city to such suits or proceedings, to the end that a substitution order may be entered making substitution. All costs in litigated cases, wherein the city is successful shall belong to the city, and when collected shall be paid to the chamberlain and credited to and form a part of the general fund of the city; except, however, such costs exclusive of disbursements as may be awarded the city when defendant. Such costs when collected shall belong to the corporation counsel and may be retained by him.

§ 28. General powers and duties of city superintendent of public works.—The superintendent of public works shall, under the direction of the board of public works, have the general supervision and direction of all public works, including the water systems, within the jurisdiction of the board. He shall prepare and submit to the board of public works at such times as they shall direct, pay rolls in such form as the board of public works may prescribe, verified by his oath, setting forth the work done for the city under his charge since the last pay roll, and specifying the name of each person employed thereon; the time he labored, his wages, number of days and the amount due him, and name the fund to which each item is chargeable. When said pay rolls are audited by the board of public works and approved by the mayor the persons named therein shall be paid by the chamberlain from the proper fund of the city, on account of which said work shall be performed or said expenses incurred.

§ 29. **The aldermen.**—It shall be the duty of every alderman to attend the regular and special meetings of the common council; to act upon committees where thereunto appointed by the mayor or common council; to arrest or cause to be arrested all persons violating the laws of the state or ordinances, by-laws or police regulations of the city when such violations are committed in his presence; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to aid in maintaining peace and good order in the city, and to perform or assist in performing all such duties as are by this act enjoined upon the aldermen of said city, separately or upon the common council thereof. The aldermen shall in their respective wards be fence viewers, and shall possess all the powers and authority, in respect to division fences, or walls in their respective wards, which are given by law to fence viewers of towns with respect to division fences and shall be entitled to receive the same fees as fence viewers of towns.

§ 30. **The constables.**—The constables of said city shall have the same powers, duties and jurisdiction and be subject to the same liabilities as if the city of Plattsburgh were a town in the county of Clinton and they were constables thereof, except that they shall not execute any criminal process or exercise any authority or power in any criminal actions or proceedings, or special proceedings of a criminal nature, for or on account of any offense committed or charged to have been committed within said city.

§ 31. **The city assessors.**—The city assessors shall perform all the duties required of them by this act in relation to the assessment of property in said city as well for the purpose of imposing taxes levied by the board of supervisors of Clinton county as those levied by the common council of said city and to that end they shall perform all the duties and possess all the powers and authority of town assessors except as modified by this act.

§ 32. **Health officer and city physician.**—It shall be the duty of the city physician, under the direction of the commissioner of charities, to visit at their places of abode such of the poor of the city as may be ill and give medical attention and care, and shall supply such medicines for the same as their condition shall require.

§ 33. Powers and duties of supervisors.—The supervisors of the city of Plattsburgh shall have the same powers and duties as the supervisors of the towns of Clinton county, and shall be members of the board of supervisors of the county of Clinton. They shall receive the same compensation allowed by law, in the same manner as supervisors of towns except fees for copying assessment rolls and extending taxes, which last mentioned fees if charged or received shall be paid to the city chamberlain for the use of the city. The supervisors elected, appointed or qualified under this act shall be recognized by the board of supervisors of Clinton county and be allowed to take their seats as members of said board and participate in all deliberations and proceedings of said board during their term of office. Other than as provided by this act, their term of office shall begin the first day of January next after their election. They shall also discharge all other duties imposed upon them by this act. The city shall be regarded as a town of Clinton county for the purpose specified in title three, chapter ten, article second, of the code of civil procedure, respecting the selection, drawing and procuring the allowance of trial jurors. The supervisors and the city clerk and assessors of said city shall together perform the duties prescribed in said article. A duplicate of the list of jurors selected by them shall be filed in the office of the clerk of said city, which shall be deemed a town clerk's office for that purpose. The supervisors and the clerk and assessors of said city shall meet in the clerk's office at the time provided by law for like meetings in towns, and proceed to discharge the duties imposed upon them by the code of civil procedure, as aforesaid, and by this act; and the list made by them, shall constitute the list of persons to serve as trial jurors for the ensuing three years. The supervisors elected under this act and the clerk and assessors of said city shall meet every third year thereafter for the same purpose and make and file lists so required by them.

§ 34. Powers and duties of other city officers.—The powers and duties of all other city officers shall be such as are hereafter prescribed in this act, or when not so prescribed, as provided by existing general laws applicable to such officers, or as designated by the mayor and common council.

§ 35. Payment of money must be made from and into the general fund when not otherwise provided.—Other than as herein provided, all moneys belonging to said city shall be paid to the chamberlain thereof and deposited to the credit of the general fund of the city; and all payment of moneys made by said city or by any board or officer thereof, when authorized by or in pursuance of law, and the fund from which such payment is not otherwise designated, shall be made from the general fund, but nothing in this act shall be construed as limiting, modifying or repealing any provision of the general law.

TITLE IV.

THE COMMON COUNCIL.

Section 36. Organization and procedure of the common council.

37. Mayor's approval or veto.
38. Time of taking effect of resolutions and ordinances.
39. Amount of annual city tax levy.
40. Annual estimates and reports by boards and officers.
41. Financial reports.
42. Subdivision of funds.
43. General legislative powers.
44. Improvements and removal of nuisances at expense of owners.
45. Control of finances; and property; ordinances; rules and regulations of the common council.
46. Violation of ordinances.
47. Licensing occupations.
48. Change of ward boundaries.
49. Official newspapers.
50. Officers not to be interested in contracts or purchases.
51. Rules and regulations for transaction of city business.

Section 36. Organization and procedure of the common council.—The mayor and aldermen of said city shall constitute the common council thereof. At all meetings of the common council each alderman present shall have one vote, and the mayor a vote in case of a tie vote in the common council. At the first meeting of the common council in each official year, or as soon thereafter as practicable, the common council shall choose one of the alder-

men to be temporary president, who shall during such official year, be the presiding officer of the common council in the absence of the mayor, and while the mayor is absent from the city or unable to perform his duties said presiding officer shall be acting mayor and have all the powers and duties and be subject to all the obligations and liabilities of the mayor. The acting mayor shall not lose his vote as an alderman by reason of his acting as presiding officer of the common council at any time, but when he shall vote as an alderman, he shall have no casting vote on a tie. The common council shall hold regular or stated meetings in the common council rooms at such times as they shall by resolution designate. The mayor, or in his absence, the acting mayor, or any three aldermen may call special meetings by notice in writing served personally upon the other members of the council, or left at their usual place of abode at least six hours before the time fixed for such meeting. The common council shall determine the rules of its own proceedings. The attendance of absent members may be compelled by the common council, or by a meeting thereof, at which less than a quorum is present, by the entry of a resolution and order in the minutes, directing the chief of police or any police officer of the city to arrest such absent member and fetch him before the common council at a meeting at which such member was absent or the next, or some subsequent meeting of the common council. A majority of the common council, including the mayor as a member thereof, shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time. A majority of the aldermen present and voting at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by tax or assessment shall pass unless it receive the assent of a majority of all the aldermen in office except as otherwise provided in this act. The ayes and noes shall be called and recorded on all resolutions and appointments. All meetings of the common council shall be public, except when the public interests require secrecy; but no vote shall be taken in secret, executive session.

§ 37. **Mayor's approval or veto.**—Every resolution or ordinance of the common council, except rules for its own govern-

ment, shall, before it takes effect, be presented, duly certified by the clerk, to the mayor. If the mayor approve thereof, he shall sign it within ten days after receipt thereof by him and file it so signed with the city clerk. If the mayor does not approve it, he shall, within ten days after the receipt thereof by him, return it to the city clerk with his objections thereto in writing, and a statement that he does not approve thereof, and it shall have no force or effect unless the common council shall thereafter reconsider it and pass it over the mayor's veto by the concurring vote of at least two-thirds of the total number of aldermen in office, which vote shall be taken by ayes and noes and entered on the minutes, together with the objections of the mayor. If any such resolution or ordinance so presented to the mayor shall not be returned by him to the city clerk within ten days after the receipt thereof by the mayor, it shall, at the expiration of such ten days, have the same force and effect as if it had been approved by him and filed with the city clerk. If any such resolution contains one or more items appropriating money, the mayor may sign it with a written statement appended thereto, that he objects to one or more of such items, and each item so objected to shall have no force unless such items be reconsidered separately by the common council and passed over the mayor's veto in the same manner as a resolution wholly vetoed. Except rules for the government of the common council and appointments to office, no resolution or ordinance of the common council shall have any force or effect or be deemed to have been enacted by the common council unless either it be approved by the mayor or be not returned by the mayor to the city clerk within ten days after the receipt thereof by him, or unless it is passed over the mayor's veto in pursuance of the provisions of this section.

§ 38. Time of taking effect of resolutions and ordinances.— Any resolution or ordinance enacted by the common council may specify the time when it shall take effect, but no ordinance shall take effect until after its publication at least once in the official newspapers of the city, provided such there be, notwithstanding the specifications therein of a previous time for its taking effect. If no time be specified in any ordinance so enacted for its taking effect, it shall take effect immediately,

except if there be official newspapers of the city at the time, it shall take effect only after its publication once in such official newspapers. If no time be specified in any such resolution for its taking effect, or if it specify that it take effect immediately, it shall take effect on its approval by the mayor, if he approves it; or if he fails to return it to the clerk within ten days after the receipt thereof by him, it shall take effect on the eleventh day after the receipt thereof by the mayor; or if he returns it with his disapproval and it be passed over the veto, it shall take effect at the time of its passage over his veto.

§ 39. Amount of annual city tax levy.—The common council may raise by tax upon the real and personal property assessable in the city in each year certain amounts which shall be estimated and designated each year for the following purposes:

1. The payment of expenses of police department, including the salary of the city judge and the salary of the officers of said department, to be designated the "police fund," not however exceeding in any one year five thousand five hundred dollars.

2. For repairing and keeping in order the streets, highways, gutters and sewers of the city and cemetery, including expenses for the erection and maintenance of bridges and culverts and other expenses relating to the streets and highways, to be designated "street and sewer fund," but not exceeding eight thousand dollars.

3. A sum necessary for the payment of the expenses of the department of charities, including the salary of the commissioner of charities, to be designated the "poor fund."

4. A sum necessary for defraying the general and contingent expenses of the city at large, including the expenses of elections and for the payment of all salaries and other sums not provided for, to be designated the "general fund," but not exceeding seven thousand five hundred dollars.

5. A sum necessary for the support of the public library.

6. A sum necessary for defraying the expenses of the fire department, to be designated the "fire fund" not exceeding thirty-five hundred dollars.

7. A sum necessary for the purpose and use of the board of education, including the payment of principal and interest upon the bonds heretofore or hereafter issued for school purposes,

falling due during the fiscal year for which the tax is levied, to be designated the "school fund."

8. A sum necessary for lighting the streets and public buildings of the city, and expenses of maintaining all necessary apparatus and fixtures connected therewith, to be designated the "lighting fund," not exceeding five thousand dollars.

9. A sum necessary for repairing, extending and operating the water works of said city, in case the rentals and income from sale of water shall be insufficient, to be designated the "water fund."

10. Such an amount as shall be necessary to meet the principal and interest on the bonded indebtedness of the said city, falling due during the fiscal year for which the tax is levied, to be designated the "bond fund."

11. Such further sums as shall have been voted at a regular city election or a special election called for that purpose, and also such sums as may be necessary to meet all indebtedness remaining unpaid on all judgments against the city, and also such other sums as the common council is authorized to expend for other purposes specified in this act.

§ 40. **Annual report and estimates by boards and officers.**—Between the first and fifteenth days of October in each year, the board of public works, the board of health, the commissioner of charities, the board of education and trustees of public library shall estimate in detail the expense and income of their respective departments for the next fiscal year, and shall certify such estimates to the common council. The commissioner of charities shall also include in his report an estimate of the amount which will probably be paid into the city treasury during the next fiscal year from excise taxes. Excise money from tax certificates issued to persons within the city less the portion going to the state shall belong to the city. All, excise moneys shall be applicable: first, to the "poor fund," second, to the "street and sewer fund," third, to the "general fund." The city judge will present an estimate of the amount of fines, fees and penalties that in his judgment will probably be received during the next fiscal year. The common council shall make an estimate of needed expenses of the fire department and police department and the city clerk shall make a detailed statement by items of all the expenses of the city as

estimated by the several boards officers and common council for the next fiscal year. The city clerk in his report shall make a statement in detail of all judgments against the city then remaining, and an itemized statement of the principal and interest of all bonded and other indebtedness of the city that will fall due during the next fiscal year. The chamberlain shall present a statement to said common council of all unpaid taxes and local assessments theretofore assessed and remaining unpaid. The city chamberlain in his report shall also make a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid and the amount which, in his judgment, will probably be received by the city therefrom during the next fiscal year; all expenditures made or incurred by the city and chargeable to the property owners or other persons and remaining unpaid and the amount which, in his judgment, will probably be received during the next fiscal year. The common council shall cause a summary of such estimates and statements to be published in the official newspapers of the city during the next week preceding its last regular meeting in the month of October. At that meeting or at any meeting to which an adjournment may be had, not later than the fifteenth day of the month of December next following, it may revise such estimates, and determine the entire amount necessary to be raised to defray the expenses of the city for the ensuing fiscal year. Said common council may by a vote of two-thirds of its members approve or reduce but shall not increase any of the estimates of the various boards aforesaid, and shall immediately levy the aggregate amount taxed, ascertained and determined together with any special tax which shall have been voted to be raised with the annual tax levy.

§ 41. Financial reports.—Each of the officers and boards specified in the last section, otherwise than as provided in this act, shall, at the close of the fiscal year, make a written report to the common council of all expenditures made or incurred by said officers or said board during such year showing separately and by items the amount expended from each fund which may be drawn on by such board, and the balance standing to the credit of each such fund. All officers and boards receiving any money, other than that raised by taxation shall, in such report, make an itemized statement of the same received by them,

specifying the date of such receipt, the amount thereof, and the person by whom the same was paid.

§ 42. Subdivision of funds.—The common council shall subdivide the funds of the city, as established by this act, and the city chamberlain shall restate his account of the funds so subdivided accordingly.

§ 43. The general legislative powers.—The general legislative powers of said city for all proper municipal purposes, except such power as may be vested in city boards or officers, shall be vested in the common council. The common council shall furnish the officers of the city with necessary office room, office furniture, books and stationery; shall keep in proper repair the public buildings of the city; may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition, and if not, may require the same to be made so; may require any officer of the city to furnish reports, information or estimates whenever deemed proper by the council; may employ a pound keeper, a sealer of weights and measures, and such other employees of the city as may be necessary to execute the work which the common council is authorized and required to cause to be executed, and may fix their compensation.

§ 44. Improvements and removal of nuisances at expense of owner.—The common council shall have the power to compel the owner or occupant of any building or wall which it may deem to be in a dangerous or unsafe condition by reason of or on account of fire or otherwise to render the same safe or to take down and remove the same, and in case of his neglect so to do, to cause it to be taken down or removed at the expense of the owner or occupant; to direct the owner or owners of any building used for public entertainments, public purposes or wholly or in part for tenement purposes, or office or business places to provide the same with suitable and sufficient fire-escapes, in the manner provided by the common council and in case of failure or neglect of such owner so to do, or to cause such work to be done at the expense of the owner; to authorize any city officer or any person designated by the common council to inspect any place or places to ascertain whether the same are in a safe condition, and if not, to require the same to be made safe, and if

the owners thereof shall neglect or refuse so to do, to cause the same to be made safe at the expense of the owner.

§ 45. Control of finances and property; ordinances, rules and regulations of the common council.—The common council shall exercise all the corporate powers conferred by this act and, other than as provided by law or this act, shall have the management and control of the fire and police departments, except appointments to positions therein, which shall be made as provided in section ten of this act, and of the finances, and of all the property, real and personal, belonging to said corporation. All payments from funds of the city shall be upon the warrant of the mayor, countersigned by the clerk. Warrants for payment of fixed salaries, and to cover pay rolls of laborers audited by the board of public works and approved by the mayor, may be issued and delivered without previous audit by the common council, as required in case of other claims. No officer of the city or board, or department of the city, except the board of education, shall have power to audit any claim against the city. The common council shall have power with the approval of the mayor, as hereinbefore mentioned, to make, establish, publish and modify, annul and repeal ordinances, rules, regulations and by-laws for any of the purposes heretofore specified in this act and for the following additional purposes:

1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.

2. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances, whether free or for money within the bounds of the city if the common council shall deem it advisable to license the same, upon such terms as the common council may direct, and to prohibit theatrical or other shows or exhibitions or performances in any place where liquors are sold within the bounds of said city.

3. To suppress disorderly houses, houses of ill-fame, gambling, gaming tables, and all instruments and devices employed in gaming; to regulate or restrain pool and billard playing by minors in public places, and the playing of games of chance by minors; also to restrain minors from being in public places at night within specified hours, when not attended by an adult person; to restrain and punish street beggars, vagrants and

mendicants; to regulate and restrain all occupants and business noxious to public comfort.

4. To determine the existence and direct the removal of a nuisance in any part of the city; and if the same be not removed within such time as the common council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot and to enforce a collection thereof by leasing or selling the premises in the manner provided in this act for the collection of taxes or assessments, or by action against the owners of the lot or any other person who may have erected, suffered or maintained such nuisance; and in case of the nonremoval or abatement of any such nuisance the common council may impose a penalty therefor and enforce the collection thereof, as prescribed by this act.

5. To direct the location of all houses for storing of gunpowder and other combustibles and explosive substance, and to regulate the keeping, selling and conveyance thereof, and the use of candles and lights in barns, stables and outbuildings.

6. To prevent horse racing, immoderate driving in the streets of said city, to prohibit and punish the flying of kites, and every other game, practise or amusement, in the public streets or elsewhere having a tendency to frighten teams or horses, or to injure or annoy persons passing in and along the highways of the city, or to endanger property.

7. To regulate coasting or bicycle-riding in the city.

8. To establish and build and regulate public pounds, station houses and lock-ups within said city.

9. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and the sale of the same, for the penalty incurred and costs of keeping and proceedings.

10. To prevent or regulate the ringing or tolling of bells, except those of railroad cars or engines; blowing of horns or crying of goods and wares, firing of guns, powder or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the city, and the sale of fire-crackers, rockets, squibs and other explosive compounds.

11. To make regulations for taxing and confining dogs and for destroying such as may be found running at large contrary to any ordinance.

12. To direct the keeping and returning bills of mortality.

13. To regulate and keep in repair the public fountains in said city, and to regulate the taking and using water for the same; to regulate and keep in repair the engines, hosecarts, hose and hook and ladders, belonging to said city, and the public buildings of said city.

14. To regulate and restrain hawking and peddling in the streets, and to regulate the time, mode, manner and place of holding auctions or public sales of merchandise, and all personal property, and to prohibit such sales on any of the sidewalks or crosswalks of the city, or the streets of the same; to license sales at auction in said city, of goods or property belonging to persons not residents of said city, or which goods shall have been purchased with intent to sell the same at auction and to prevent such sales without license, and to require the payment to the city of such sums for such licenses as shall be provided for, not exceeding twenty-five dollars per day for each day upon which such sales shall be held.

15. To regulate the sale of fresh meats, fruit, poultry, butter, cheese, eggs, honey, vegetables, fish, and other articles disposed of from vehicles or wagons, and the fees for marketing privileges.

16. To license and regulate cabmen, porters, cartmen, hackmen and drivers of hackney carriages, stages or omnibuses for the transportation of passengers within the city, to fix their rates of compensation, and to require them to have licenses.

17. To regulate the speed of running trains of cars in the city within a half mile each way from any steam railroad depot or station in said city, and to regulate runners, stage drivers, and others, in soliciting passengers and others to travel or ride in any stage, omnibus or go to any hotel, or otherwise.

18. To compel, direct and regulate the planting of shade trees and ornamental trees along the streets and sidewalks of said city, and to prevent the injury or destruction of such trees; and to prevent the injury or defacement of fences, posts and buildings of said city.

19. To permit building material to be deposited on the street in front of any lot, to such extent and for such time as it may prescribe.

20. To ascertain the boundaries of the city and of all the

streets, alleys and highways therein, to give names to streets and numbers to lots and tenements, and to change the same in its discretion.

21. To designate such portion of said city as it may deem proper within which no building in whole of wood or other combustible material shall be erected.

22. To prescribe or define such powers and duties of officers of said city as are not specified in this act and are not inconsistent therewith.

23. To call special meetings of the inhabitants of said city whenever in its judgment the public interests require the same and to carry into effect all lawful resolutions, adopted at any of said meetings or at any regular or special meetings.

24. The common council may, at any time, issue bonds for the payment of a judgment that may be recovered against the city after its creation. The issuance of such bonds shall, in all respects, be subject to the same conditions and limitations as are the issuance of other city bonds elsewhere provided for in this act.

25. Whenever the common council shall resolve, by the affirmative vote of two-thirds of its members, that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate once in each week for three successive weeks in the official newspapers, together with a notice that at a time and place therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditures shall be raised by a tax or the common council may direct such question to be submitted at a general election. All provisions of law describing the duties of inspectors of election and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held thereunder. Every elector who shall have been assessed and taxed upon the last assessment roll of the city before said special election, or whose wife was so assessed, and no other person shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which

such expenditure is required and the amount thereof, and be in the form required by the election law for holding elections upon questions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission, from nine o'clock in the forenoon to four o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a special ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are or your wife is a taxpayer and is assessed upon the last city assessment roll of the city of Plattsburgh and that you have not voted at this election." After he shall take such oath and if he or his wife shall be assessed upon the assessment roll aforesaid his vote shall be received. The inspectors shall canvass the votes immediately after closing the polls and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the election so certified to be entered in the minutes. The common council shall cause the sum or sums of money thus voted to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment roll. No more than one such election shall be held in the city in any one year, except by the unanimous vote of the common council. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement, aforesaid and sanctioned by such election. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of said tax, and the amount so raised or borrowed shall be expended only for the purpose or purposes for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax.

§ 46. Violation of ordinances.—Any ordinance enacted by the common council may provide that any person violating such ordinance shall be guilty of a misdemeanor or of disorderly con-

duct or shall be liable to pay to the city a sum therein named as a penalty not exceeding one hundred dollars, to be recovered in a civil action. If no provision be made in any ordinances as to the effect of a violation thereof, every violation thereof shall be a misdemeanor. If violation of any such ordinance be made a misdemeanor or disorderly conduct by or in pursuance of this act and be also made a misdemeanor or disorderly conduct by any other law, but one conviction shall be had on account of such conduct. If the violation of any ordinance constitutes a misdemeanor or disorderly conduct, and also render a person violating such ordinance liable to a penalty in a civil action, the conviction of either disorderly conduct or misdemeanor on account of such conduct shall be a bar to the recovery of the penalty in the civil action, and the recovery and payment of a judgment for the penalty in a civil action shall be a bar in the prosecution for either the misdemeanor or disorderly conduct on account of such violation. If the conduct shall constitute a violation of an ordinance enacted by the common council of the city in pursuance of this act, and also a violation of an ordinance of the board of health of the city, enacted in pursuance of law, such ordinance of the board of health shall so long as it remains in force and effect supercede and nullify such ordinance of the common council. The city may maintain an action to restrain by injunction a violation of any ordinance of the common council or board of health, notwithstanding that such ordinance may provide a penalty for such violation.

§ 47. **Licensing occupations.**—If an ordinance of the city prohibit the carrying on of any occupation without a license therefor, the common council may fix the fee for such license or may prescribe the minimum and maximum limits to the fee which may be charged therefor in the discretion of the mayor. All applications for such license shall be made to the mayor. The mayor may grant or refuse any such license in his discretion. If the mayor determine to grant such license, he shall issue an order to the city clerk to issue such license upon the production of a receipt from the city chamberlain for the amount specified in such order and receipt, and he shall issue such license accordingly. The city chamberlain shall credit all fees so received by him to the general fund. The clerk shall keep in his office a record of each license, the person to whom issued and the fee paid therefor.

§ 48. **Change of ward boundaries.**—After five years from the passage of this act, the common council shall have power by resolution, passed by a majority vote of its members, subject to the mayors right to veto as hereinbefore provided, to change the boundaries of the several wards of the city, but not to increase the number of wards. Such resolution shall be published in the official newspapers for two successive weeks after its passage.

§ 49. **Official newspaper.**—The common council shall, at the first meeting in each official year, or as soon thereafter as practicable, fix and determine the legal fee per folio or otherwise, at which notices, by-laws, rules, ordinances and regulations and such reports and other matters as the common council may direct, to be published in the official newspapers of the city, and thereupon shall designate two newspapers published in said city, one of which said newspapers shall represent the political party polling the largest number of votes at the last preceding general election, and the other official newspaper so designated shall represent the political party polling the next largest number of votes at the last preceding general election, and such designation of each of such official newspapers shall be made by the members of the common council representing each of such political parties respectively. If either party shall be without a member in the common council, either mayor or alderman, the local party committee of that party may name its party newspaper and such paper shall be designated. In the papers so designated all such matters as aforesaid specified shall be published at the fees prescribed. The newspapers so designated shall be the official newspapers of the city for the ensuing official year for the purposes aforesaid and until the next annual designation, provided said newspapers shall agree with said common council to make the aforesaid publications at the fees prescribed by the common council and if not, any other newspapers which will agree to such terms may be designated, if published within the city. The affidavit of the publisher or proprietor of an official newspaper, or of the bookkeeper or foreman in charge of the publication of said newspaper shall be presumptive evidence of such publication.

§ 50. **Officers not to be interested in contracts or purchases.**—It shall not be lawful for the mayor or any member of the

common council, or any member of any of the municipal boards of said city, or any superintendent, or any clerk, agent or employee of said city, employed by any of the municipal boards therein (beyond the compensation which said superintendent or clerk, agent or employee may be justly entitled to for services by him actually rendered) to be voluntarily interested, directly or indirectly, in the purchase or sale of any merchandise, material, substance, supplies or requirements, for any of the uses or purposes of the city, nor shall any such person receive therefrom or thereon or in consideration or in consequence thereof, any commissions, divisions, discounts, gift or moiety. It shall not be lawful for any of the municipal boards of said city to audit any account or issue any warrant for the payment of any claim for services rendered or for work, labor or materials furnished by any person during the time such person shall have held the office of mayor, alderman, or member of any of the municipal boards of said city except as herein specifically permitted. A violation of any of the provisions of this section is hereby declared to be a misdemeanor.

§ 51. Rules and regulations for transaction of city business.—The common council shall have power to make such rules, regulations and adopt such methods for the convenient transaction of business of the city by the several boards, departments and officers thereof, not inconsistent with the duties and powers given such boards, departments and officers by this act and general laws.

TITLE V.

DEPARTMENT OF PUBLIC WORKS; LOCAL IMPROVEMENTS; STREETS, HIGHWAYS, SEWERS, PAVING STREETS AND CONSTRUCTION OF SIDEWALKS.

Section 52. Organization.

53. City water works.

54. Powers and duties of board of public works.

55. Lighting.

56. Opening, altering or extending streets; assessments of benefits and payments; appeals.

57. To require privileges to dispose of stagnant or surface water.

58. Power to make street improvements.

59. Work by contract or otherwise.

Section 60. Sewers.

61. Sewers and other lines of connection.

62. Sidewalks.

63. Notice of assessment.

64. Real estate to be sold.

65. Lien of assessment.

66. Poles and wires.

67. Guardian ad litem for infant defendants.

68. County court always open.

69. Taxes and assessments under this title.

70. Chapter three hundred and fifty-three of the laws of nineteen hundred and one.

Section 52. Organization.—The mayor, upon the approval as hereinbefore provided of the common council, as soon as practicable after the first election under this act, shall appoint three commissioners of public works, none of whom shall be members of the common council, who shall hold office until the first day of February, nineteen hundred and four. Thereafter the mayor with the approval as aforesaid of the common council, in the month of January, nineteen hundred and four, and each alternate year thereafter shall in the same manner appoint three commissioners of public works for the term of two years to succeed the commissioners whose terms office expire in that year. The said commissioners shall constitute the board of public works of said city. The mayor, with the like approval of the common council, may at any time appoint to fill a vacancy occurring in said board for the unexpired term. The mayor shall be the chairman of the board of public works, but shall have no vote therein. At any meeting of the board two commissioners shall constitute a quorum.

§ 53. City water works.—1. The board of public works shall be the successors of the board of water commissioners of the village of Plattsburgh and shall have such powers and perform such duties in respect to the water system of said city as are conferred by this act or the general laws of the state, or are imposed by the common council and mayor. The board of public works of the city of Plattsburgh may when thereto authorized by resolution of the common council, subject to the veto power of the mayor, borrow upon the credit of said city sums of

money not exceeding in the aggregate fifty thousand dollars, as shall seem to the said board best for said city, at a rate of interest not exceeding four per centum per annum for the purpose of enlarging, improving and perfecting the supply of pure and wholesome water to the inhabitants of said city, or to acquire additional water or water rights or to construct additional reservoirs, and said board of public works of the city of Plattsburgh is hereby authorized from time to time to make and issue, as security for the money so borrowed the bonds of the said city of Plattsburgh, not exceeding in the aggregate the said fifty thousand dollars. The said bonds shall be payable within twenty years from the date of the issue thereof and within that period shall be respectively payable at such times and in such amounts as the said board of public works shall fix and express therein. No such indebtedness shall be incurred or bonds issued, unless a proposition for such improvement submitted at a special or general election shall be adopted.

2. The board of public works shall have power to see that the city has an abundant supply of wholesome water for public and private use; to devise the plans and sources of water supply; to plan and supervise the distribution of water through the city; to protect it against contamination; to prescribe rules and regulations for its use, which, when ratified and approved by the common council, shall have the same force and effect as if by the common council enacted. The said board of public works shall have power, with the assent of the common council, to fix and establish rates to be charged and paid for the use of water, and, from time to time, to modify and amend, increase or diminish such rates, and to determine when and where meters shall be used. The said board of public works shall have power to assess for fire protection any building and the lot upon which it stands, situated within five hundred feet of a hydrant. Between the first and fifteenth of October of each year the board of public works shall make out a list or roll in which they shall set out the amount assessed for fire protection upon any lot, part of a lot, or building, designating the lot or building assessed or in default, in the same manner as designated in the annual assessment roll; and also set out the amount of water rates remaining due and unpaid on the first day of October in each year, for use of water in or upon any lot, part of a lot, or

building. Said board shall cause notice to be published in the official newspapers for at least one week of the time and place at which hearing shall be given to those who desire to examine said rolls and to present their grievances. Notice of the proposed assessment for fire protection and that the board will meet at a specified time and place to hear objections thereto, must be served upon the owner, agent or occupant, at least five days before such meeting, by depositing such notice in the post-office in said city, securely enclosed in a post-paid wrapper, addressed to each owner, agent or occupant at his reputed place of residence. The said board shall meet at the time and place specified in said notice, or notices, and after hearing objections shall complete said assessments and shall certify the same to the common council. The common council shall with the annual city tax levy, levy such assessments and unpaid water rates upon the property described in said roll and the amounts appearing thereon shall be extended in a separate column upon the assessment rolls of the city and shall be levied, collected and enforced at the same time and in the same manner as is provided for the collection of other taxes in the city. The rates for use of water shall, like other city taxes, be a lien and charge upon the building and lot in or upon which said assessment was made.

3. The board of water commissioners of the village of Plattsburgh shall continue to discharge the functions and duties now by them exercised the same as though this act had not been passed until their successors, the board of public works, are appointed and have qualified, and within ten days after the appointment of their successors, as provided in this act, deliver a statement of all unpaid water rents and all funds belonging to said village under the control of said board to the city chamberlain. The chamberlain shall open and keep a separate account to be known as the "water fund," under which shall be charged and credited all receipts and disbursements on account of the water works of said city. The salary of the superintendent of public works shall be charged to this fund. All moneys received on account of the water works of said city shall be used, so far as may be necessary, to improve, extend and maintain the system of water works and the payment of bonds issued on account thereof, and shall not be diverted to any other purpose.

The board of water commissioners of the village of Plattsburgh shall be deemed abolished on the appointment and qualification of the commissioners of public works, and upon demand shall deliver up to such commissioners of public works, or to the superintendent of public works all maps, records, papers and property in their hands or under their control as water commissioners. The bonds heretofore issued by the water commissioners shall be deemed the bonds of the city of Plattsburgh, and the city is hereby declared liable for the payment of the same according to their terms. The commissioners of public works are hereby authorized, with the approval of the common council declared by resolution to renew from time to time any or all of such bonds if, in their judgment, the best interest of said city so requires. They may issue new bonds bearing no higher rate of interest payable at any bank in the state and sell the same with the approval as aforesaid of the common council, to the highest bidder and apply the proceeds to the discharge of any of the said bonds maturing. Such bonds may be on such time as the common council may direct and all bonds so issued or issued as renewal shall be signed by the mayor and countersigned by the clerk and shall have the city seal attached. All sales or renewals shall be made by the chamberlain and all moneys shall go through his hands.

§ 54. Powers and duties of the board.—The board of public works shall be commissioners of highways in and for the city and shall have all the power and perform all the duties of commissioner of highways in towns, other than as provided in this act. The said board is vested with the charge, management, control and maintenance of all bridges, streets, highways, sidewalks, public places and public squares within the city, of the sewers and of all the buildings and structures appurtenant thereto, and of the city's system of water works and all machinery, tools, appliances and materials used in connection therewith. The board of public works shall have power

1. To appoint a superintendent of public works.

2. To employ an engineer, servants and laborers, and fix the compensation of all persons so employed by them.

3. To make rules and regulations for its own government and for the government of the superintendent of public works, engineer and other servants and prescribe their duties.

4. To make all contracts relating to construction, paving and repair of the streets and sidewalks, public places and public squares, parks and sewers, and the cleaning of the streets, sprinkling and the removal of dirt therefrom, the grading, paving and repaving, macadamizing and remacadamizing of all streets, public places and public squares, and laying and extending of sewers and the provision of all materials, machinery, implements and utensils necessary therefor.

5. To lay out, make, open, grade, level, regulate, pave, macadamize, plank, gravel, clean, repair and improve highways, streets, lanes, alleys, public grounds, parks, sidewalks, sewers, gutters, drains, aqueducts, reservoirs and crosswalks and to alter, widen, straighten and discontinue the same and to establish grades and levels therefor, and alter the same through any lands, buildings or enclosures in said city.

6. To cause to be made all necessary surveys, maps and profiles relating to any work within its jurisdiction.

7. To have charge of Riverside cemetery, to issue permits for burial and sell lots, under such regulations and restrictions as may be provided by the common council. To expend such sums in its care and improvement as may be received by the city chamberlain from the sale of lots or by gift.

§ 55. **Lighting.**—All the powers and duties conferred by law upon boards of light commissioners in villages as provided by chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven known as the village law, and all acts amendatory thereof and supplementary thereto are conferred upon said board of public works created by this act, and said board shall possess all the powers and privileges and be subject to all the regulations and restrictions therein provided for light commissioners of villages, except that their report shall be made to the common council and also except as otherwise provided in this act.

§ 56. **Opening, altering or extending streets; assessments of benefits and payments.**—1. Whenever the board of public works shall intend to lay out, alter, widen, extend, contract or discontinue any street, lane, alley, highway or public grounds in said city, and the lands of any person or corporation, or any right or easement therein shall be necessary for such purpose; and whenever the board of public works shall intend to acquire

lands, rights or easements therein for any other purpose mentioned in this act, it shall cause the same to be surveyed and monuments placed showing the line thereof, and a map to be made of the same, which shall be filed in the city clerk's office, showing upon such map the lots, tracts or parcels of land and rights or easements therein that are deemed necessary to be taken, and the commencement, course, and termination of the streets, lane, alley, highway or park proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in or through the land so to be taken. And for that purpose the board of public works and those acting under its direction shall have power to enter upon any grounds in said city. The board of public works, subject to the approval of the common council, shall then declare by resolution its intention to take and appropriate the said property for the proposed improvement, and thereafter it may purchase of the owner or owners thereof the land or right therein deemed necessary, and make him or them such compensation as it shall judge reasonable upon receiving from such owner or owners a conveyance thereof to the city. In case the board of public works is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement therein required for the purpose aforesaid, it may acquire the same by condemnation proceedings under the provisions of the condemnation law of this state, chapter twenty-three of the code of civil procedure, and amendments thereto.

2. After such damages shall have been ascertained and determined, said common council shall declare a district of assessment therefor, and shall then direct the commissioners making the award to assess the amount awarded for damages, with the commissioners' fees, specifying the aggregate amount of the same, upon the property within such district of assessment. The commissioners shall proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner, and as near as may be, in proportion to the benefits received; such assessment shall be made in the same manner as other local assessments, except that such commissioners shall direct such part of said expenses to be assessed upon the city and such part locally as they shall deem just; the powers and duties of the commissioners shall be the same as those of

assessors. When the assessment shall be filed, the assessment may be appealed from and the common council shall possess the powers in reference thereto conferred by this act.

3. Within ten days after the assessment roll, is completed, signed and filed, any party thinking himself aggrieved, may file with the city chamberlain a written appeal therefrom, briefly stating the grounds of such appeal. The board of public works shall thereupon proceed to hear and determine such appeal or appeals upon view of the property assessed, or upon evidence, or upon both, and affirm or reverse the assessment, and for such purpose may by subpoena compel the attendance of witnesses and production of papers. In case of affirmance the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken; in case of reversal the board of public works shall appoint three disinterested freeholders of the city who shall proceed in like manner and for such purpose be invested with the same power as the board of public works to make a new assessment; they shall make their tax roll in the same manner and sign the same and file it with the city chamberlain and it shall be conclusive upon all parties; such freeholders shall receive three dollars per day for their services to be paid by the city unless the assessment of the appellants, as determined by said freeholders, shall be more favorable to them than the assessment appealed from, in which case the fees of the freeholders shall be paid by the appellants and added to the amount of their tax respectively by said freeholders, in proportion to the amount thereof.

4. If no appeal is taken from the first assessment roll filed with the city chamberlain or if no appeal be taken therefrom and such assessment be affirmed, the city chamberlain shall give notice by publication thereof in the official newspapers that he will receive said assessments for thirty days from the date of the first notice and the city chamberlain shall receive such assessments within said time without fees. If an appeal be taken from said first assessment and the same be reversed, the common council shall cause a second assessment roll filed by such freeholders to be delivered to the city chamberlain and thereupon the city chamberlain shall give notice by publication thereof in the official papers that he will receive said assessment, assessments or taxes for thirty days from the date of the

first notice and said city chamberlain shall receive said assessments without fees within said time.

5. Immediately after the final determination of all proceedings in which any award shall have been made, the common council shall cause to be paid or tendered to the respective owners the amount awarded to each, respectively, less any sum which shall have been assessed against them for any benefits on account of such improvements. In case any such owner shall refuse the same, or be unknown, or non-resident of the city, or for any reason be incapacitated for receiving the amount, or the right thereto be disputed or doubtful, the common council may make payment of the portion to the county treasurer of the county of Clinton and file a statement of facts and circumstances in each case, and a transcript of the report of the commissioners relating to the ascertainment of the amount so paid in, with the clerk of Clinton county, and said clerk shall make a report to the supreme court, at its first term held in the county, of the amount thus deposited, accompanied with the statement and transcript aforesaid; and the supreme court shall have authority and it shall be its duty, at such term of court, to order the investment of such money or the payment thereof on the ascertainment of the person entitled thereto. Upon such statement or tender or payment to the clerk being fully made, the fee of the land shall be vested in the city.

§ 57. To acquire privileges to dispose of stagnant or surface water.—The board of public works shall, on an order from the board of health, approved by the common council, have power to enter upon any lands or grounds in the city and appropriate such property for the purpose of conveying off any stagnant or surface water within or throughout the city, and thereafter the board of public works may purchase from the owner or owners thereof the land or right or easement, whenever deemed necessary and make him or them such compensation as it shall deem reasonable and just upon receiving from such owner or owners a conveyance thereof to the city. In case the said board are unable to agree with the owner or owners for the purchase of any real estate or land or right or easement required therein for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law

of the state, proceeding in the same manner as obtaining lands for street purposes elsewhere specified in this title.

§ 58. **Power to make street improvements.**—The board of public works shall have power within said city to cause the construction or repair of any bridge or bridges, arch or arches over any stream, or run of water in said city, and to cause any street, highway, lane, alley or other public place or any part thereof to be graded, regraded, leveled, graveled, macadamized or remacadamized; to cause any street, highway, lane or alley or other public place or any part thereof within said city to be paved or repaved or to cover the same with wood or stone or other material; also to cause the improving of the channels of, enclosing, covering, discontinuing and altering the course of all creeks, streams and ponds in said city; also to cause such crosswalks, sewers and storm water sewers to be made therein and the same to be repaired as it shall deem necessary, and the expense of such improvement shall be a tax or charge upon the entire city. The expense of constructing and maintaining sidewalks and the care of the same, shall be paid as provided for in section sixty-two of this act. The plans, specifications and descriptions of the work proposed and adopted by said board of public works shall be filed in the office of the city clerk and a notice shall then be published in the official newspapers of the city of Plattsburgh, inviting sealed proposals to do the work pursuant to the plans, specifications and descriptions so adopted, which notice shall be published at least two weeks in such official newspapers. No proposal shall be considered which shall not be accompanied by a bond with sureties and in penalty, both to be approved by the board of public works, conditioned that if the proposals be accepted, the person proposing will enter into the contract upon the terms proposed and will give a further bond with sureties and in an amount to be approved by the board of public works, conditioned that the person proposing will construct the work at the price and upon the terms proposed, according to the plans and specifications filed with the city clerk, and subject to the supervision and approval of such person as the board of public works shall designate for that purpose; and that the person making the proposal will erect and maintain suitable guards and lights to prevent injuries to such work and to prevent injury to persons or property by and in consequence

of the imprudent use of such street, lane, alley, side or cross walk during the progress of such work, and will save the city harmless and indemnify it against all loss, damage or other expense that may arise by or through any neglect of such person or those in his employ, to erect or maintain such guards, lights or either of them. Said proposals shall be received and opened at the next meeting of said board of public works after the completion of the publication of said notice. And if from any cause said proposals are not opened they shall be returned to the bidders and it shall be lawful for the board of public works to receive, open and act thereon at any meeting thereafter and if opened and no action is taken on the same at the time designated, action may be taken at any meeting thereafter. The contract shall be made with the lowest bidder unless the board of public works shall deem it for the best interest of the city to reject all bids made; in which case, if the expense thereof upon any one street shall exceed two hundred and fifty dollars the said board shall readvertise in like manner until a satisfactory bid shall be received. But if the expense thereof shall be two hundred and fifty dollars or less, and no satisfactory bid shall be received pursuant to said advertisement or otherwise the board of public works may cause such work to be done by the superintendent of public works, under its supervision, but at an expense not to exceed the usual or ordinary cost of labor and material.

§ 59. **Work by contract or otherwise.**—All work within the purview of this title may, in the discretion of the board of public works upon the approval of a two-thirds vote of all the members elected to the common council, be done by the superintendent of public works under the supervision of the board of public works, but at an expense not to exceed the usual or ordinary cost of labor and material.

§ 60. **Sewers.**—The board of public works may order sewers for the drainage of streets, cellars, buildings, lots, pools, vaults or for any other proper sewerage purpose to be constructed in any street, and with the consent of the owners, in, upon or across the real property outside of streets, and may fix the charge to abutting owners for connecting therewith. If the board of public works shall declare its intention to construct any sewer in, upon or across any real property outside of the

streets of the city and the owners of such real property shall not consent thereto, and the city is unable to agree with the owners of such real property upon the compensation to be made therefor, the board of public works, in the name and behalf of the city, may acquire the title, right or easement in or to such real property for such sewer by condemnation, in pursuance of the condemnation law, chapter twenty-three of the code of civil procedure.

§ 61. Sewer and other lines of connection.—The board of public works is hereby authorized and empowered at any time upon any street where improvement is contemplated, to compel the residents of any such streets and the property owners whose lots front or abut thereon, to lay house connecting drains, gas and water pipes in the manner they shall provide, from the line of their curbing in front of their property on any street to the sewer, gas or water mains or pipes or either, connecting them therewith, and the board of public works may pass regulations therefor. The superintendent of public works shall have the supervision and direction of laying all sewer pipes and conduits from private dwellings or other places and shall have the supervision and direction of laying any connecting or lateral pipes and keeping the same in repair and the expense of laying such connecting lateral pipe or conduit shall be paid by the owner or occupant of the property. Such connecting or lateral pipe or conduit shall not be laid and connected until a permit therefor shall be obtained from the board of public works and all such connecting or lateral pipes or conduits and the fixtures thereto shall be constructed under and according to the direction of the superintendent. Whenever the residents or owners of said property fail to comply with the regulations of the board of public works, passed pursuant to the authority hereby conferred, the same may be done at the expense of such owners. Upon the completion of the work, the superintendent of public works shall send to the owner of said premises, if his address be known, an itemized statement of such expense, and if such expense is not paid to the city chamberlain within thirty days, the amount thereof with interest at twelve per centum from the time of sending such itemized statement shall be added to the amount assessed against such land for the next

general city tax and the whole amount of such assessment shall be collected in the same manner as general city taxes.

§ 62. Sidewalks.—In case the work shall be the construction or improving of a sidewalk, each lot or parcel of land fronting thereon shall be assessed with the one-half expense of its construction in front thereof in proportion of its frontage to the whole frontage. It shall, in all cases, be the duty of the owner of any lot or piece of land within said city to remove or clean away snow, ice or other obstruction from such sidewalk. The said superintendent shall also have power to clean snow, ice or other obstruction from any sidewalk where the same shall have remained for twenty-four hours, and the expense of making such repairs or cleaning any sidewalk shall be a charge upon the property adjacent thereto, and no ordinance for the same shall be passed or notice posted or published. Thereupon the said superintendent shall send to the owner of said property, if his address be known, an itemized statement for such repairs or cleaning, and if such expense is not paid to the city chamberlain within thirty days, the amount thereof with interest at twelve per centum per annum from the time of sending such itemized statement, shall be added to the amount assessed against such land for the next general city tax and the whole amount of such assessment shall be collected in the same manner as general city taxes. Upon the completion of any sidewalk, the city chamberlain shall send to the owner of each parcel of land fronting thereon, an itemized statement covering the cost of such improvement. The amount thereof may be paid to the city chamberlain at any time within thirty days, without any charge or fee. If the amount of such expense is not paid to the city chamberlain within thirty days, the amount thereof with interest at twelve per centum per annum from the time of sending such itemized statement, shall be added to the amount assessed against said land and included in the next general city tax, and the whole amount of such assessment shall be collected in the same manner as general city taxes.

§ 63. Notice of assessments.—Upon receiving any assessment roll with the warrant or authority to collect assessments other than those provided for in section one hundred and fifty-two the city chamberlain shall give notice in the official papers of the city of the receipt by him of such assessment roll and warrant,

and that all persons named therein are required to pay their assessments at his office on or before the expiration of thirty days from the date of said first publication. During said thirty days every person, company, corporation or association may pay his, her or their taxes and assessments to said chamberlain without fees. After the expiration of said thirty days fees shall be charged and collected as provided in section one hundred and fifty-three of this act.

§ 64. **Real estate to be sold.**—In case any of said taxes or assessments remain unpaid after the foregoing proceedings shall have been taken, the amount thereof with interest at the rate of one per centum per month from the time of the expiration of said thirty days shall be added to the amount assessed against such land and included in the next general city tax, and the whole amount of such assessment and interest shall be collected in the same manner as general city taxes and all proceedings and provisions for the enforcement of such general city taxes shall be applicable thereto.

§ 65. **Lien of assessment.**—Every tax or assessment imposed for local improvement, or other object in pursuance of this title, shall be and remain a lien upon the land upon which it is assessed, from the filing of such assessment roll in the office of the city chamberlain, until the same has been paid. No error or mistake in the name of any owner or occupant of any lot or parcel of land assessed for a local improvement, or the fact that the person named as owner or occupant is not the owner or occupant of such lot or parcel, or that a clerical or immaterial error has been made, shall invalidate such assessment roll or the assessments therein, or any bonds issued in pursuance thereof. In case any tax or assessment shall be void or shall have failed for want of jurisdiction, or for any irregularity in the levying or assessing thereof under this title, the common council shall have power and it shall be its duty to cause the same to be reassessed in a proper manner; if any person shall have paid on a former assessment the same shall be credited; or in case the payment exceed the amount reassessed, the surplus shall be refunded. In case the amount assessed for any local improvement shall not be sufficient to defray the expenses of such improvement the common council shall cause the amount of the deficiency to be assessed as hereinbefore provided.

§ 66. **Poles and wires.**—The board of public works shall have power to regulate the erection of telegraph, telephone or electric light poles or the stretching of wires in, over or upon the streets or public grounds of said city.

§ 67. **Guardian ad litem for infant defendants.**—Whenever an infant or other incompetent person shall be interested in real estate affected by any improvement provided for by this title the county court of Clinton county or the supreme court, shall have power to appoint a guardian in the nature of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment shall direct.

§ 68. **County court always open.**—The county court of Clinton county shall always be open for the transaction of any business or making of any motion or application contemplated by this title. Errors or irregularities in the proceedings contemplated by this title, if shown to injuriously affect a party or parties thereto, may be corrected on review thereof, on the application of the party injured, or his damages occasioned thereby recovered in an action against the city, subject to the regulations of this act.

§ 69. **Taxes and assessments under this title; lien of.**—Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed, for ten years from the filing of such assessment roll, superior to any mortgage, judgment, or other lien of any nature, except general city and school taxes affecting the same and shall have priority thereto, or to any conveyance thereon, and notice to the occupant or tenant shall be held to be deemed a notice to the owner or owners of said real estate.

§ 70. Nothing in this act contained shall be held to alter or repeal any of the provisions of chapter three hundred and fifty-three of the laws of nineteen hundred and one. Nor shall the duties here imposed upon the commissioners of public works or the powers conferred be interpreted to conflict or interfere with the duties and powers of the commission created by said act. And the bonds issued as by said act authorized, in the name of the village of Plattsburgh, shall be deemed the bonds of the city of Plattsburgh and shall be paid by said city.

TITLE VI.

FIRE DEPARTMENT.

Section 71. Control of department.

72. Appointment of officers and members of department.

73. Duties of chief and assistant engineers.

74. Present firemen to constitute the department.

75. Annual estimate.

76. Audit of bills and report of fires and fire losses.

77. Rules for the department.

78. Charge of property.

79. Appropriation of unexpended money.

Section 71. Control of department.—The powers and duties connected with and incident to the control, government and discipline of the fire department of the city of Plattsburgh except as herein otherwise provided, shall be vested in the common council.

§ 72. Appointment of officers and members of department.—The chief engineer, first and second assistant engineers, and the paid members of the fire department shall be appointed by the mayor, subject as hereinbefore provided to the approval of the common council. The mayor and common council shall establish and adjust all salaries or fees of the fire department, officers and men. Any officer of the fire department, or any member thereof, may be removed for cause by the mayor upon a hearing before him.

§ 73. Duties of chief and assistant engineers.—The chief engineer of the fire department shall, under the direction of the common council, have the general superintendence and custody of the fire engines and other fire apparatus and conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make report in writing to the common council of the state of the department on the first day of January in each year, and at such other times as said common council may require. It shall be his further duty to be present at fires and to take command of the firemen present and exercise a general supervision and control of the operations and proceedings of the firemen present and to

give direction concerning the same. He shall also have power and discretion to suspend from duty any member of said fire department and report the same to the mayor for his action. Any member of said fire department so suspended shall have an opportunity to be heard in his defense before said mayor. It shall be the duty of the assistant engineers to be present and aid the chief engineer at all fires; and in case of his absence the powers and duties of the chief engineer shall be exercised and discharged by the senior assistant engineer.

§ 74. **Present firemen to constitute the department.**—The several firemen and fire companies at present composing the fire department of the village of Plattsburgh, shall after this act takes effect, continue as at present, subject to any changes which the common council or mayor may make, but each officer or member thereof, shall thereafter belong to and be a portion of the fire department of the city of Plattsburgh, until removed by the common council or mayor on reorganization of the companies, and be under the control and government of said common council, and be subject to suspension or removal by said mayor for cause or by the common council reorganizing such fire department or such companies.

§ 75. **Annual estimate.**—The common council shall on or before the first day of October in each year, prepare an estimate, which shall contain and include in detail all such sums of money as in their judgment will be actually required for the salaries and wages of all paid members of said department, the wages of employees, the purchase of hose, horses and apparatus, furniture, fuel, light, stationery, printing, advertising, necessary supplies, rent and repairs and other incidental expenses of the fire department, including the fire alarm, telegraph, and submit the same as provided in this act.

§ 76. **Audit of bills and report of fires and fire losses.**—All bills for expenditures and services connected with the said fire department must be first authorized by the common council and after audit by them shall be paid by drafts on the chamberlain, signed by the mayor and countersigned by the clerk. The chief engineer shall, on or before the tenth day of January in each year, present to the mayor of said city a report showing a complete inventory of all property under his charge, which report shall also exhibit a particular statement of all fire alarms and

fires which have occurred in said city during the preceding year, together with the cause of all fires, as far as the same have been ascertained. It shall also exhibit a particular statement of losses caused by such fires and all insurance thereon. It shall also show the names of all officers and members of said fire department and of the companies therein, and the name of all persons in the employ of said department and the compensation paid them, and a statement of all expenses paid or incurred in the fire department during the year within his knowledge, and such other information relating to the fire department as to said engineer shall seem important.

§ 77. **Rules for the department.**—The common council shall make such rules and regulations as it may deem best for the government of the fire department, provided such rules and regulations do not conflict with the laws of the state or of the United States. Any breach of such rules may be regarded as cause for removal.

§ 78. **Charge and sale of property.**—The said chief engineer shall have charge of all the property now in use or hereafter to be acquired by the city of Plattsburgh for the purpose of extinguishing fires, including all the rooms for storing same.

§ 79. **Appropriation of unexpended moneys.**—All moneys in the hands of the village of Plattsburgh which have been raised or provided for the fire department purposes and unexpended by them when this act shall take effect, are hereby appropriated for the purposes provided for by this article.

TITLE VII.

THE POLICE DEPARTMENT.

Section 80. Appointment of officers.

81. **Qualifications of police.**

82. **Duration of office.**

83. **Vacancies in police force.**

84. **Duties of chief of police.**

85. **Charges, trials thereon.**

86. **Exemption from military and jury duty.**

87. **Officer not to be delegate.**

88. **Unlawful conduct at primaries.**

89. **Powers and duties of police.**

90. **Service of criminal process.**

Section 91. Expenses in execution of process.

92. Presents or awards.

93. Payments of salaries and expenses.

94. Appropriation of moneys.

95. By-laws of police force.

96. Station houses.

97. Commitment to police station; amount of criminal expenses chargeable to county.

Section 80. Appointment of officers.—The permanent police force of the village of Plattsburgh shall, as to its component parts, remain as now constituted until the same shall be reorganized by the common council pursuant to the authority vested in it by this act. A chief of police and patrolman shall be appointed by the mayor, subject to the approval of the common council. The mayor may appoint special policemen as he may deem necessary. Such appointments shall not continue for a longer term than one month.

§ 81. Qualifications of police.—No person shall be appointed a chief of police, patrolman, special policeman or constable who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot read and write the English language. No person, other than members of the present police force, shall be appointed who at the time of such appointment is over the age of forty years.

§ 82. Duration of office.—All the members of the police force, other than special policemen subject to the power of removal hereinafter specified, shall hold their respective offices during good behavior or until by age or disease they become permanently incapacitated to discharge their duties.

§ 83. Vacancies in police force.—The mayor may, subject to the approval in the manner stated, of the common council, within ten days after a vacancy occurs in the police force, for any cause, appoint a successor to the person whose office has become vacant.

§ 84. Duties of chief of police.—It shall be the duty of chief of police under the direction of the mayor to superintend the police department of said city, of which department he shall be the chief executive officer and shall have full control of the patrolman subject to the direction of the said

mayor. He shall keep a book of records to be denominated "police records" in which he shall make daily entries of all the proceedings of his department and of all the services rendered by him and the several members of the police force. He shall on the first day of each month report to the mayor the state of his department, the services performed by the members of the police force, respectively; the amounts respectively due each of them for their services in the preceding month, and whether any of them have been disorderly in their behavior or delinquent in their duties.

§ 85. Charges; trials thereon.—If a charge be made by any person against any member of the police force, that he is incompetent or has been guilty of neglect of duty, misconduct in office, or conduct unbecoming a police officer, the charge must be put in writing in the form required by the rules of the police department, if any rules shall have been prescribed, and a copy thereof must be served on the accused officer and filed with the mayor, and it shall be the duty of the mayor to hear, try and determine the charge according to the rules of the police department, if any rules have been prescribed. The accused officer shall have the right to be present at his trial and to be heard in person and by counsel and to give and furnish evidence in his defense. The clerk of the city shall issue subpoenas under his hand for witnesses to sustain or refute the charge, and any such witness duly served with a subpoena shall be bound to attend in obedience to the command thereof, and the said mayor shall have the same authority to enforce obedience to the subpoenas and to punish for disobedience thereof as is possessed by justices of the peace in like cases. If the said mayor shall find the accused officer guilty of the charge made against him it may order his suspension from his pay as a policeman for some definite time, or impose on him a fine not exceeding fifty dollars, or reduce his grade, or, order his dismissal from the police force, or it may subject him to any other discipline prescribed in the rules of the police department which is not consistent with the provisions of this act or with the laws of the state or the United States.

§ 86. Exemption from military and jury duty.—No member of the police department is liable to military or jury duty or to arrest on civil process, or to service of subpoena from civil courts,

while actually on duty, nor shall he hold any other office or be employed in any other department of the city government.

§ 87. **Officer not to be delegate.**—No officer of the police force shall be a member of or delegate to any political convention, nor shall he be present at any such convention, except in the performance of any duty relating to his position as such officer, and any violation of these provisions shall work a forfeiture of his office or position and it shall be the duty of the mayor to dismiss him from his office or position.

§ 88. **Unlawful conduct at primaries.**—It is unlawful for any police officer to solicit any person to vote at any political caucus, primary or election for any candidates, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary, or and* any election or to be a member of any political committee; and any person violating the provisions of this section shall forfeit his position under the city government.

§ 89. **Powers and duties of police.**—The members of the police force shall be peace officers and respecting all offences committed within the limits of the city, either against the laws of the state or the ordinances of the city they shall possess the same powers as to arrest and confinement of the offender as are possessed by constables of towns or the sheriff of the county. The officers in charge of the county jail situated within the limits of the city shall before and after conviction have the custody of offenders when confinement is necessary or proper, and upon conviction if any offender is directed to be confined in any penitentiary or reformatory, such convicted person shall be conveyed thereto by the sheriff of the county, subject to the provisions of the general laws relating thereto. Such fees shall be charged by the sheriff for the custody of offenders as are allowable in like cases where like offenses are committed in towns.

§ 90. **Service of criminal process.**—All criminal process for any offense committed within said city, issued out of any court within said city; and all process, subpoenas, bench warrant or otherwise, issued by the district attorney of the county of Clinton relating to any offense committed within said city, may be served by a member of said police force.

*So in the original.

§ 91. **Expenses in execution of process.**—The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city. No fees or compensation whatever, other than as herein provided, shall be charged or received by any constable, member or officer of the said police force, for the arrest, confinement or discharge of any person or for mileage or travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpoena or other process in any criminal case, other than as herein provided.

§ 92. **Presents or awards.**—No member of the police force or special policeman shall receive any present or reward for any service rendered, or to be rendered unless with the consent of the mayor, such consent to be given in writing and filed with the clerk, and any one of their number who shall receive any fee or reward in violation of this section, shall thereby forfeit his office.

§ 93. **Payment of salary and expenses.**—The salaries of the members of the police force shall be paid monthly, as it shall become due and the contingent expenses of the police department and for rent, telephones, expenses for office furniture, fuel, light, stationery, printing, advertising, policemen's uniforms, badges and batons and other necessary expenses shall be certified by the mayor, and when audited by the common council, shall be paid by the chamberlain of said city upon the warrant of the mayor countersigned by the clerk.

§ 94. **Appropriation of moneys.**—All moneys in the hands of the treasurer of the village of Plattsburgh, which have been raised or provided for police purposes and unexpended when this act takes effect, are hereby appropriated for the purposes provided by this section.

§ 95. **By-laws for police force.**—The common council shall make such by-laws, not inconsistent with the laws of the state as may be necessary for the government of the police force hereby established for regulating the powers and duties of the offices and members thereof, for uniforming them, and for the maintenance of law and good order in said city, but no by-law concerning the enforcement of any ordinances of said city shall

take effect until after it has been approved by the mayor of said city.

§ 96. **Station houses.**—The common council shall provide and keep in order a temporary lockup for the temporary detention of persons arrested by the members of said police force.

§ 97. **Commitment to county jail; amount of criminal expenses chargeable to county.**—The city judge of the city may commit to the county jail of said county any person charged with crime and pending an examination for trial therefor, and the sheriff of Clinton county is authorized and required to receive any such person so committed and retain him in custody in accordance with such committal.

TITLE VIII.

DEPARTMENT OF PUBLIC INSTRUCTION.

Section 98. City permanent school district.—All the territory included within the boundaries of the city of Plattsburgh shall hereafter constitute a separate school district within this state and shall be designated as “the school district of the city of Plattsburgh.” It may bear such other additional designation as the superintendent of public instruction of this state may by law prescribe. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred by law or other state authority upon school districts and shall be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to union free school districts, except as otherwise hereinafter provided.

§ 99. **Board of education.**—The affairs of said school district of the city of Plattsburgh shall be managed by a board of fifteen members to be constituted as follows: Five of such board to be elected by the trustees of the Plattsburgh academy and ten to be appointed by the mayor of the city of Plattsburgh as follows: The present members of the board of education of the present village of Plattsburgh are hereby continued in office until the first day of August in each year during which their term of office would have respectively expired. The mayor within sixty days after the passage of this act shall appoint five trustees to serve as follows: One until the first day of August, nineteen hundred and two, and one to serve respectively for a period of one, two, three and four years from said first day of August.

Thereafter the mayor of such city shall annually appoint two trustees to serve for a period of five years. The trustees of Plattsburgh academy shall annually appoint one member of such board to serve for a period of five years. The said trustees shall meet at the common council chamber in said city at eight o'clock in the evening of the third Tuesday of May, nineteen hundred and two and shall organize as a board, and shall provide and appoint a place for its further meetings. Thereafter, said board of education shall hold their annual meeting on the second Monday in January of each year, for the election of officers. They shall select by ballot from their number, a president, a vice-president and a clerk. They shall also appoint a superintendent of schools of the city and perform the duties of supervision and all such other duties as the board shall from time to time direct, and shall be allowed such compensation as the said board may determine. He shall also examine and license, under the statute and the rules and regulations established by the state superintendent of public instruction, teachers employed in the public schools in said city. The said president, vice-president and clerk shall hold their office for one year, and until their successors shall have been duly appointed.

§ 100. The city chamberlain shall be the treasurer of said board of education. Said meetings of said board shall be held at least once in each month. At each of said meetings, there shall be appointed one or more visiting committees, whose duty it shall be to visit every school in the city at least once, and to report upon the condition and work of the schools at the next meeting of the board. A majority of trustees in office shall constitute a quorum of the board.

§ 101. In case any vacancy shall occur in the office of trustee, by reason of death, resignation, removal from the city, or refusal to qualify or serve, or from any other cause, the board of education, if such vacancy arises from among those appointed by the mayor, shall fill his vacancy, and in case such vacancy shall arise in those selected by the trustees of Plattsburgh academy, the remaining members of the board selected by such academy may make an appointment to fill such vacancy, and the person so appointed shall hold office for the unexpired term of the person to supply whose place, he shall be appointed.

§ 102. All property, both real and personal, now vested in and belonging to the schools in any district embraced within the city of Plattsburgh, as hereby constituted, shall pass to and become vested in the board of education created by this act. And all moneys and funds belonging to said district shall be paid over and delivered to the chamberlain of said city and credited by him to the school fund of said city. All the rights, powers, privileges, contracts, obligations and liabilities of said union free school district are hereby transferred to, vested in and imposed upon said board of education of the city of Plattsburgh as hereby created. And the rights and privileges of all persons that may have arisen or accrued prior to the passage of this act shall remain and be in force by or against the board of education of the city of Plattsburgh and its successors in the same manner and with a like effect as though this act had not been passed—subject, however, to the provisions of this act.

§ 103. A trustee duly elected or appointed, who declares that he will not accept or serve in the office of trustee, or who refuses or neglects to attend three successive stated meetings of the board, without rendering a good and valid excuse therefor to the board, vacates his office for refusing to serve.

§ 104. Neither the mayor nor any member of the common council shall hold the office of a member of the board of education, under this act.

§ 105. The district hereby created shall be deemed and is hereby declared to be a union free school district, under the laws of this state relating to public instruction. All provisions of general law, not inconsistent with the provisions of this act, applicable to school districts, whose limits correspond with any incorporated village or city, and the boards of education therein and the corporate authority of such cities and villages, are made applicable to the school district hereby established, and to the board of education thereof, and to the corporate authorities of the city of Plattsburgh.

§ 106. The board of education shall, on or before the fifteenth day of October in each year, make to the mayor and common council of the city of Plattsburgh, an annual report to the first day of August next preceding, setting forth the number of children of each school under its charge, a statement of all the liabilities and expenses incurred with all the disbursements

made by it, during the preceding year, and all other matters of interest relating to the schools. The common council shall cause such report to be published.

§ 107. The said board shall, also on or before the fifteenth day of October in each year, determine by resolution, the amount of money to be raised, which when added to the money annually apportioned to the said schools of said city out of the funds belonging to the state or any other funds available therefor, will, in its judgment, be necessary to support all the schools under its superintendence for the ensuing current year, and for the furtherance of any of the powers vested in it by law. The said resolution shall set forth, in a detailed statement, the various purposes of anticipated expenditure and the amount necessary for each. A copy of such resolution shall be certified by the president and clerk of said board, under the seal of said board and delivered to the mayor and common council of said city. If the mayor approves such statement, he shall sign it and immediately file the same with the city clerk. It shall be the duty of the common council to levy and collect annually such amount as the board shall have determined and the mayor approved at the same time and in the same manner as other general city taxes are levied and raised for the ensuing year, and such common council shall have no power to withhold or refuse to levy and collect by tax, such sums so determined by such resolution to be necessary for teachers' wages, for superintendence, for the ordinary contingent expenses including necessary repairs to all the structures belonging to the city for supporting the schools, for stationery and books and for the expenses of said board of education, in accordance with the estimate thus approved by the mayor. In case the mayor shall disapprove of any of the items embraced in the estimate so presented to him, he shall, within five days after its receipt, state in detail his objections to each item so refused and the reason of such objection and refusal as to each item and file the same with the clerk of the board of education, and the board of education shall immediately publish such communication. Said board shall then proceed to reconsider such estimate, and if it agrees to sustain the estimate as made, it shall stand as if it had been approved by the mayor, or if said board do not agree to sustain the estimate as made, it shall be so modified as

to conform to the views expressed by the mayor in his objection, and in either event, shall be again certified by the president and clerk of said board to the common council. And the common council of said city shall include in the annual tax and assessment roll for that year, the amount specified in said original or amended item, and the same shall be collected by the city chamberlain who shall credit the same to the general school fund.

§ 108. After the said board of education shall have finally delivered to the mayor and common council, by filing with the city clerk a certified copy of the resolution finally determining the amount of money to be raised as prescribed herein, the said board of education shall thereupon be authorized to borrow upon the credit of the city of Plattsburgh, such money as such board shall determine to be necessary for the support and maintenance of the schools in anticipation of the tax to be raised for that purpose in the current year. Such loans shall be evidenced by the note of the city of Plattsburgh, which shall be signed by the president and clerk of said board, sealed with its corporate seal and shall be conditioned that the city of Plattsburgh will pay the principal named therein with interest at a rate specified therein, not greater than the legal rate of interest, and shall mature and be paid by the city chamberlain at the time therein mentioned, not later than the close of the then fiscal year. The interest on said notes shall be paid by the city of Plattsburgh and not charged against any moneys due, or to become due to the board of education from any appropriation made, or to be made to said board. The city clerk upon the request of the board, shall countersign the same, and affix the corporate seal of the city thereto, and thereupon the same shall be a binding obligation against the city. The city chamberlain shall keep a separate account of all school moneys received by him, whether from state authorities, local taxation or any other source, and shall pay out the same only upon warrants signed by the president and clerk of said board of education. Such warrants shall be drawn only by the authority of the board of education, and only as the said money shall be actually needed for disbursement. The city of Plattsburgh shall be responsible to the board of education for the faithful performance by the city chamberlain of the duties of the treasurer of the said board of education.

§ 109. Whenever said board of education shall have determined by resolution an amount of money to be raised for new sites or buildings and furniture and fixtures therefor, or for repairs or improvements to buildings or grounds, which sum shall in any one year exceed the sum of five thousand dollars, the said board of education shall present such estimate to the mayor and common council of the city as required for other expenditures by section one hundred and seven herein, and the same course shall be followed with reference to such proposed expenditures in all respect as is provided for in said section one hundred and seven. And when the board of education shall have finally certified such estimate together with their action upon any objections which the mayor may have filed thereto with them, in accordance with the provisions of section one hundred and seven, the common council shall, by resolution, authorize such board of education to borrow such sum or such part thereof as the common council may determine. Such loan shall be evidenced by the bond or bonds of the city of Plattsburgh of such denominations as the said common council shall determine, which bonds shall be conditioned that the city of Plattsburgh will pay the principal named therein and interest and shall bear interest not exceeding the legal rate per annum, payable semi-annually, and be payable in such sums in each year as the common council shall determine, and shall be signed by the mayor and city clerk of Plattsburgh, and sealed with the corporate seal of said city, and a record thereof shall be kept in the city clerk's office. The bonds so issued, shall be delivered to said board of education and shall not be negotiable until signed by the president and clerk of said board and sealed with its corporate seal, and the amount realized from the sale thereof shall be paid to the city chamberlain, and the par value of said bonds shall be placed by the city chamberlain to the credit of the said board of education, and shall be drawn only on warrants of said board of education and for the purposes for which such loan shall have been authorized, and for no other purpose. The common council of the city of Plattsburgh shall annually raise by tax and as a part of the school moneys, the amount of money necessary to pay the interest annually accruing upon such bonds and the principal falling due and payable in each year. The said board of education shall certify annually, by and in the resolution here-

tofore referred to in section one hundred and seven, the amount of money necessary to be raised by tax, to pay interest on such bonds and the principal of such bonds falling due in any ensuing year.

§ 110. If at any time after the passage of the resolution provided in section one hundred and seven, the said board of education shall determine that more money is needed for any of the purposes mentioned in said section, the said board may, by resolution, determine the amount so needed whereupon the same procedure shall be taken with reference to such additional sum as is provided by section one hundred and seven herein. And the provisions herein relating to the temporary loan of moneys in anticipation of taxes, shall apply to this section with reference to such additional amounts, and the same provisions shall apply to the common council of such city with reference to the raising, by tax, of the amounts thus temporarily borrowed and the payment of the interest thereof as is contained in section one hundred and seven.

§ 111. All public moneys or funds belonging or appropriated to the use of said school district shall be paid to the chamberlain of said city, who shall keep the same separate from the general funds of the city, and shall credit to the school fund the moneys or property belonging thereto. The board of education shall disburse all the school moneys of said district by orders from the chamberlain, signed by the president; said orders shall be numbered consecutively and shall specify the purpose for which they are drawn, and the persons to whom payable. Upon request from said board, the chamberlain shall certify from time to time the balance remaining, to be collected by or paid to the city chamberlain for school purposes; it shall not be lawful for such chamberlain to apply such moneys or any part thereof, to any other purpose or object.

§ 112. The said board of education shall, from time to time, as it shall deem expedient or necessary, make provision in accordance with the provisions of this chapter for additions, alterations or improvements to or in the sites or structures belonging to said district, purchase other sites or structures, erect new buildings, purchase apparatus and fixtures, or other necessary property for the district as it shall determine. But no resolution for the purchase of new sites or the erection of new buildings

shall be effective, unless it shall receive the affirmative vote of two-thirds of the members of said board of education. Said board of education shall provide accommodations and facilities for the proper instruction of all the children of school age, residing in such city, and shall provide suitable textbooks for indigent pupils, and in their discretion, may embrace in their estimate submitted to the mayor and common council, suitable provision for providing all pupils with textbooks, to be used in said schools, under such rules and regulations as they shall prescribe, and they shall have entire and exclusive charge and control of the public schools of the city of Plattsburgh, subject to the powers of supervision and direction vested in the state superintendent of public instruction, and subject to the visitation of the regents of the university and their regulations as to the course of education and matters pertaining thereto in the academic department of the schools maintained by them. Said board may make all necessary by-laws for its own government, except as herein otherwise provided and said board of education shall be subject to the laws relating to union free schools and the general statutes of the state relating to schools, except as modified by this chapter. The board of education shall be entitled to its proportion of the state moneys for the public schools of said city of Plattsburgh, which shall be apportioned by the state superintendent in accordance with the general provisions of law. It shall have charge of the school libraries and make all necessary and proper regulations concerning the same, and may impose fine for abuse of books, and may adopt such ordinances and by-laws as they shall deem necessary for the protection, safe keeping, care and preservation of the school buildings and other school property of said district under their charge, and impose such penalties for the violation of the same as it shall deem proper. Any person incurring fines shall be liable to an action for the same by the board of education, and the amount received shall be deposited with the city chamberlain and available for the general expenses of the board of education in connection with said schools. And it may appropriate for the benefit of said libraries out of moneys annually raised in the said city, by the school tax, an amount not exceeding two hundred dollars in addition to the library money received from the state. It shall have the power to appoint librarians and

provide truant officers for the enforcement of the compulsory education law.

§ 113. The said board of education shall have a corporate seal with such design as it may adopt. The services of the board of education designated by this act shall be gratuitous.

TITLE IX.

HEALTH DEPARTMENT.

Section 114. Board of health; organization.

115. President of board.

116. Health officer and city physician.

117. Powers and duties of board.

118. Clerk of board of health.

Section 114. Board of health.—There shall be a board of health which except the president shall serve without pay, consisting of three members who shall be designated commissioners of health. The members of the board of health of the village of Plattsburgh are hereby continued as members of the board of health of the city of Plattsburgh and shall hold their office as members of said board of health until their successors are appointed as in this act provided. Within thirty days after the first election of a mayor, he shall appoint, subject to the approval of the common council, three persons to act as a board of health and they shall hold office until February first, nineteen hundred and four. In the month of January, nineteen hundred and four, and each alternate year thereafter, there shall be appointed in like manner three commissioners of health for the term of two years, to succeed the commissioners whose terms expire in that year.

§ 115. **President of board.**—The commissioners of health shall elect from their own number a president of the board of health, who shall receive an annual salary of one hundred dollars. The said board shall be organized under the public health law of the state.

§ 116. **Health officer and city physician.**—The said board shall appoint a competent physician not one of its members to be the health officer of the city, who shall also be the city physician and as such shall discharge such duties as are assigned to him by the commissioner of charities. He shall furnish such medi-

cine and medical supplies as may be required for the care of the poor, and shall receive as compensation for his services and such medical supplies, the sum of six hundred dollars annually.

§ 117. Powers and duties of board.—The board of health and the members thereof shall have all the powers and be charged with all the duties and responsibilities conferred and imposed upon local boards of health and the members thereof by the general laws of the state, so far as the same pertain to cities, except as herein otherwise provided. But such board of health shall create no liability against the city for food or supplies furnished by them, except on order of the commission of charities.

§ 118. Clerk of board of health.—The city clerk shall be the clerk of the board of health. It shall be his duty to keep a register of all births, marriages and deaths required by the public health law.

TITLE X.

DEPARTMENT OF CHARITIES.

Section 119. Appointment of commissioner.

120. Powers and duties of commissioner of charities.

121. Monthly report of commissioner.

122. Common council to audit accounts.

123. Commissioner not to be interested in purchases.

Section 119. Appointment of commissioner.—The board of alms of the town of Plattsburgh, and the overseer of the poor appointed by it, are hereby continued and the said overseer is hereby continued as commissioner of charities of the city of Plattsburgh and shall hold office as such commissioner of charities until his term of office as such overseer has expired and his successor is appointed as in this act provided. Upon the expiration of the term of office of such overseer the mayor shall, subject to the approval of the common council, appoint a suitable person to be commissioner of charities upon the appointment, as in this act provided, of an overseer of the poor of the town of Plattsburgh, the duties of said board of alms and its appointees shall cease, and chapter two hundred and fifty of the laws of eighteen hundred and seventy-eight and all amendments of the same shall thereupon be repealed and the said board of alms and its appointees shall immediately turn over all moneys, property and effects in its hands to the cham-

berlain of the city and the supervisor of the town, in such proportion as may be required by the board of town auditors of the town of Plattsburgh.

§ 120. Powers and duties of the commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Plattsburgh shall, within the city of Plattsburgh, have and exercise the same powers and discharge the same duties, to the exclusion of any other person or persons, as overseers of the poor in towns. The commissioner of charities of the city of Plattsburgh shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards and shall have such other powers as are conferred upon overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Plattsburgh shall be deemed one of the towns of Clinton county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city. No claim for expenditures on account of the poor of said city shall be audited or paid, unless such expenditures shall have been made pursuant to a written order of such commissioner.

§ 121. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commis-

sioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals and lodgings have been furnished, the number of said meals and lodgings, from whom obtained, or whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 122. **Common council to audit accounts.**—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 123. **Commissioner not to be interested in purchases.**—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, food, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished. For any violation of the provisions of this section, said commissioner shall be removed from office by the mayor and he shall forfeit to said city a penalty of one hundred dollars for each violation.

TITLE XI.

DEPARTMENT OF LAW.

Section 124. The corporation counsel.

125. **Duties of corporation counsel.**

126. **Payment of moneys.**

127. **Compromise of suits.**

128. **Employment of counsel.**

129. **Judgments, report upon to common council.**

Section 124. The corporation counsel.—The corporation counsel shall be the head of the department of law.

§ 125. Duties of corporation counsel.—He shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings, brought by and against any city officer, board or department; and such officers, boards or departments shall not employ other counsel, except with the approval of the common council and mayor by proper resolution. No written contract providing for the payment of two hundred dollars or more, entered into by the city or any of its officers, boards or departments shall be acted under until there shall be endorsed thereon by the city attorney a certificate to the effect that the city officer, board or department, which has executed the same on behalf of the city, had authority and power to make such contract, and that such contract is in proper form and properly executed; and he shall attend to all the law business of the city, and discharge such other duties as may be prescribed in the ordinances of the common council.

§ 126. Payment of moneys.—He shall pay over at once to the chamberlain all moneys collected by him for or on behalf of the city, including fines and penalties; and he shall annually, on the first Tuesday of February, file with the mayor of the city an inventory of all the books and property belonging to the city in his custody.

§ 127. Compromise of suits.—He shall, whenever he considers that the best interests of the city will be subserved thereby, enter into an agreement in writing, subject to the approval of the common council, to compromise and settle any claim against the city, which agreement shall be reported to the common council at its next meeting, and be and constitute a valid obligation against the city; and the amount therein provided to be paid shall, with interest thereon at six per centum from its date, be included in the next city tax budget; and when raised by tax be paid to the claimant. If, however, before the adoption of the city tax budget there shall be received by the chamberlain from any source, any moneys not otherwise appropriated, the amount in the agreement provided to be paid shall

be paid out of such moneys so received so far as they will satisfy the same.

§ 128. **Employment of counsel.**—The corporation counsel, with the written consent of the mayor, or when authorized by the common council, may employ counsel to assist him in the argument and conduct of important cases or proceedings in which the city is interested or a party.

§ 129. **Judgments, report upon to common council.**—The amount of any judgment recovered against the city and payable by it, remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on an appeal taken, shall be reported by the corporation counsel immediately after the same shall have become payable, to the common council; and unless the common council issue bonds to raise money for the payment of the same, such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution upon such judgment shall be stayed. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury and payment of judgment refused, no execution shall issue against the city, unless the amount of such judgment shall not have been included in the tax levy; provided, nevertheless, if there be any money in the treasury to the credit of a fund derived from the revenues of the city, other than by taxation and not otherwise appropriated, sufficient to satisfy such judgments, the common council shall direct the payment therefrom of such judgments in the order of their recovery.

TITLE XII.

CITY COURT.

Section 130. City court.

131. Rooms, supplies and stenographer.

132. Jurisdiction in civil actions and proceedings.

133. Not to take cognizance of certain actions.

134. Process, practice, appeals from judgments, et cetera.

135. Opening and vacating judgments.

136. Evidence.

137. Costs and fees.

Section 138. Jurisdiction of city judge in criminal cases.

139. Disorderly persons.

140. Amount of fees; deposit of fees; account of criminal business; docket.

141. Acting city judge, designation of, compensation.

142. Compensation of peace officers.

143. Rules.

Section 130. City court.—There shall be a city court of civil and criminal jurisdiction. The city judge shall be the judge of the court. The court shall be open for the transaction of business each day in the year, except Sundays and legal holidays, and upon those days for such purposes as are provided by law.

§ 131. Rooms, supplies and stenographer.—The common council of the city shall provide suitable rooms and properly furnish the same for holding court therein; provide for furnishing the necessary blank books, stationery and other necessary articles for the use of said court. The city judge may appoint a stenographer, at an annual salary not exceeding three hundred dollars, which compensation shall include the expenses of all stenographer's supplies used in said court.

§ 132. Jurisdiction in civil actions and proceedings.—Except as limited by the next succeeding section, the city court shall have jurisdiction of the following civil actions and proceedings, namely:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury or an injury to property, where the sum claimed does not exceed five hundred dollars.

3. An action for a fine or penalty not exceeding five hundred dollars.

4. An action upon a judgment not exceeding five hundred dollars, rendered in said court or in any court of the state of local jurisdiction, not being a court of record.

5. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof,

where the value of the chattels as stated in the affidavit of the plaintiff does not exceed the sum of five hundred dollars.

6. To render judgment upon the confession of the defendant where the amount confessed does not exceed the sum of one thousand dollars.

7. Summary proceedings under title two of chapter eighteen of the code of civil procedure, and the application for the removal of a person from real property in such proceedings may be made to the city judge as is provided in section twenty-two hundred and thirty-four of the code of civil procedure and the procedure before the city judge and the city court shall be as is prescribed by said title.

8. Any other civil action or proceeding of which justices of the peace of towns have jurisdiction, including bastardy cases in which cases the city judge shall sit as the court.

§ 133. **Not to take cognizance of certain actions.**—The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as is prescribed in title three of chapter nineteen of the code of civil procedure, and when such question arises, the pleadings and practice shall be the same as are provided by law for courts of justices of the peace in towns in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or an administrator as such, except where the amount of the claim does not exceed the sum of five hundred dollars, and the claim has been duly presented to the executor or administrator and rejected by him.

§ 134. **Process, practice; appeals from judgments.**—The process and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said court, and before the city judge, shall be the same as in courts of justices of the peace in towns, except as otherwise provided for in this act, and all provisions of law

applicable to justices of the peace in towns, and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court and the judge thereof; and appeals may be taken from judgments of the city court, and all proceedings before the city judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Clinton and the enforcement of such judgments shall be had in the same manner and with like force and effect as in courts of justices of the peace in towns; and for the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town. The sheriff of Clinton county and his deputies may execute any civil or criminal process issued by the city judge and shall, in relation thereto, perform all the duties and possess all the powers of constables in towns and shall be entitled to collect the same fees as are allowed to constables for like services. Such sheriff or his deputy shall convey any person sentenced by such city judge to confinement in any jail, prison, penitentiary, reformatory or house of refuge to such place of confinement.

§ 135. **Opening and vacating judgments.**—The city court in civil cases shall have power to open and vacate any judgment rendered therein, upon such terms and conditions as it may deem just, within the time limited for an appeal therefrom, upon application of any party aggrieved thereby, and the city judge may make an order staying in the meantime proceedings, upon such judgment until the hearing and decision of the motion therefor, and upon the service of such order upon the officer having the mandate for the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly. Five days' notice in writing of the application to open or vacate such judgment must be given by the party making the same; and such notice shall be served as is provided by law, for serving notices of appeal from judgment of a justice of the peace.

§ 136. **Evidence.**—All entries in the city clerk's minutes or copies thereof duly certified by the clerk and the corporate seal thereto annexed, shall if the fact stated be competent and material for any purpose be evidence in all courts of the state of the facts therein stated; and in actions and proceedings for

the recovery of fines and penalties, the certificate of the clerk of the city, under the corporate seal of said city, setting forth any ordinances, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption, shall be presumptive evidence of the existence and adoption of any such ordinance, by-law, rule or regulation.

§ 137. **Costs and fees.**—In all civil actions and proceedings brought in this court, the same costs and fees shall be paid, taxed and recovered as in actions or proceedings before justices of the peace in towns. The court shall demand and receive of the moving party prepayment of all such fees, unless the party shall file an affidavit in writing showing to the satisfaction of the court that the action or proceeding is begun in good faith, and that the applicant is without means to pay such fees, in which case the judge may, in his discretion, issue the proper process, without charging for court fees, but shall in all cases require the applicant to pay in advance the fee of the officers for serving such process. All officers' fees received by the city judge shall be paid to the officers as soon as earned, and all other fees received by him as aforesaid shall belong to the city; and the city judge shall not directly or indirectly receive to his own use any fees or perquisites except his salary. In addition to such fees as may have been paid or incurred by the prevailing party, he shall be allowed as an indemnity in case he has appeared by an attorney admitted to practice in courts of record in this state (and not otherwise), the following sums as expenses:

1. If a judgment is rendered for plaintiff upon default, or by confession, to the plaintiff three dollars.

2. If judgment is rendered for plaintiff other than upon a default, to the plaintiff three dollars, and an additional sum equal to ten per centum of the recovery, when the action is brought to recover a sum of money, or ten per centum of the value of the property as fixed by the judgment, when the action is brought to recover a chattel, but not in any case to exceed twenty-five dollars in all.

3. If a judgment of non-suit is rendered for defendant without trial, to the defendant two dollars.

4. If a judgment is rendered for the defendant after trial, except as specified in the next subdivision, to the defendant five

dollars, and the court in its discretion may allow five dollars additional.

5. If an affirmative judgment is rendered for the defendant, to the defendant the same as if he had been a plaintiff.

6. No costs of fees shall be allowed or incurred in an action brought upon a judgment of this court, unless such action is brought more than five years after the recovery of the judgment sued on.

§ 138. Jurisdiction of city judge in criminal cases.—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for and on account of offenses committed or charged to have been committed within the city, shall have all the jurisdiction and authority which a justice of the peace of a town would have, including bastardy proceedings, in which latter proceeding it shall not be necessary for the city judge to associate with himself another magistrate. He shall also have power to try the following offenses, committed within his jurisdiction, namely, cases of malicious mischief and injury; all offenses against public decency, selling unwholesome provisions; breaches of the peace, all violations of the laws and ordinances of the city, and all other offences of the grade of misdemeanor under the laws of the state. And the city court shall possess and exercise all the powers conferred upon courts of special session, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions; and upon conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court.

§ 139. Proceedings upon arrest and trial of disorderly persons; punishment of offenders.—When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested or brought before the city judge, the said city judge shall proceed forthwith to hear, try and determine the complaint or charge on which such person is arrested; or he may, in his discretion, adjourn the hearing of the trial on cause shown, not exceeding five days, and in the meantime shall commit the accused to the county jail, until such day, or suffer him to go at large on his executing a bond with sureties, duly approved, conditioned that he will appear on said

adjourned day. And upon the conviction of any such offender, either by confession or competent testimony, the city judge shall have full power and is hereby authorized to punish by a fine not exceeding fifty dollars, or by imprisonment in the county jail of Clinton county, not exceeding six months, or by both such fine and imprisonment. In addition to persons designated in section forty-six of title four of this act, the following persons within the city of Plattsburgh, shall be deemed disorderly persons and may be proceeded against as such and punished according to the provisions of this act; all persons who shall be intoxicated under such circumstances as to amount to a violation of public decency; common prostitutes or keepers of disorderly houses; all persons who shall by firing any fire-arms, or by noisy, tumultuous or riotous conduct, disturb the peace and quiet of said city; all persons who shall use any threatening, abusive or insulting language, or shall be guilty of threatening, abusive or insulting behavior, provoking or tending to provoke a breach of the peace of said city; all persons who shall use any vile, indecent or obscene language, or be guilty of any indecent or obscene conduct in any public park, street, lane or public place; persons quarrelling in any public street or place; all persons who shall alone or with others, not using the public ways to pass and repass, lounge and loiter about, standing on or occupying the sidewalks or any public place in front of or along any premises or buildings, public or private, not owned or occupied by them, or without any right in or about the approaches, passages, entrance, hall or stairway of any building to the annoyance or impediment of persons lawfully passing and repassing or of property owners or occupants, and shall refuse, after direction of any officer or citizen to pass along or disperse from said place or places; all persons who shall disturb or interrupt any public meeting, school, concert, theater or exhibition, or any assemblage, without lawful authority; all persons who shall be found in the night-time lurking suspiciously around any place in the city and shall refuse, on demand of any police constable or watchman, to give a good account of himself or herself; all persons who shall wilfully remove, break, mar, injure or deface any building, fence, awning, sign, signboard, window, gate or other private or public property, or who shall wilfully tear down,

destroy or mutilate any notice or hand-bill lawfully posted in said city or shall wilfully rub or throw any paint, ink, liquid, missile or other substance, upon or against any fence, structure or building, or against, or through any window or door of any building; all persons who at the time of a fire in said city shall interfere with the operation of the fire department or any of its members, agents, officers or men, in their efforts to prevent or extinguish a fire or shall interfere or attempt to interfere with, or prevent or obstruct the execution of the orders of the proper officers of said fire department in the performance of their duties at such fire; all persons who shall be found lodging or attempting to lodge in, or frequenting or hanging around any fire department building without the consent of the chief engineer of the fire department, or shall commit any nuisance in or around such building; all persons who shall wilfully deface, mutilate, damage or destroy any property belonging to the said city and any person not a fireman who shall take or use any of the property in the possession of the fire department or any fire company thereof without the consent of the chief engineer of the fire department; all persons who shall wilfully give or assist in giving a false alarm of fire. All persons who shall be found engaged in any public place throwing stones or other missiles and endangering persons or property, or shall wantonly and maliciously injure any street or public gas or electric lamp, lamp-post, wires, gas pipe or main or any city water pipe, main, hydrant, hose or other works or apparatus, boxes, wires, posts and all appurtenances thereto; all persons who shall neglect or refuse to report cases of contagious or infectious diseases, in pursuance of the regulations of the board of health; all persons who shall be guilty of immoderate driving or racing horses on any of the streets of the city; all persons who shall have incited or induced dogs to fight in any street or public place, or the owner of any ferocious or vicious dog, who shall permit him to be at large, in any street or public place unmuzzled; all persons who shall expose in or upon any street, lane, alley or public place, in the city, any table or device of any kind for the purpose of having any game of chance played thereon, or by any apparatus or performance of which shall have depending thereon any gift or the winning of any article; all persons who shall within the city engage in, or carry on any business, or do or perform any

act for which the obtaining of a city license is, or shall be prescribed as a condition precedent thereto, without first having obtained such license; all persons who do any act tending to a breach of the peace, or the commission of any crime; every person found guilty of being a disorderly person as aforesaid and every person guilty of any act or acts making such person a disorderly person as herein declared, shall be guilty of a misdemeanor and on conviction thereof punished as in this act provided.

§ 140. **Amount of fees; deposit of fees; account of criminal business; docket.**—The city judge shall keep an accurate account of all fees and fines received, from whom received, the time of receiving the same; and on the first business day of each month shall deposit with the chamberlain the amount thereof received in the last preceding month with a detailed statement of the items thereof, verified by the affidavit of the city judge to the effect that the same is correct and that it embraces all moneys paid into court or received by said city judge for fees and fines during the period covered by such statement. He shall also keep an account of all criminal business done by him, which, by law, is now made a charge upon the county of Clinton; and at the annual meeting of the board of supervisors the same shall be audited and ordered paid to the chamberlain of the city. He shall keep an account of all his proceedings and in his docket a complete and accurate record of all process issued from and returned to said court, and of all proceedings in every civil or criminal action, and all proceedings brought therein or before him, and shall enter therein the judgment and decision of said court or judge. Such docket shall have the same force as evidence in courts of this state as dockets of justices of the peace in towns.

§ 141. **Acting city judge, designation of; compensation.**—The mayor shall designate in writing to be filed with the city clerk, an attorney and counselor-at-law residing within the city, who shall, only during sickness, absence from the city, disability or inability of the city judge to act, exercise in the place and stead of the city judge all of the powers of said judge including jurisdiction in cases then pending before the said city judge. Such designation shall terminate at the expiration of the term of office of the then city judge. The compensation of said

acting city judge shall be such as the common council shall determine, not exceeding the sum of four dollars for every day not exceeding thirty in any year, actually spent in the discharge of the duties provided for in this act, to be audited, allowed and paid by the common council upon the presentation by such acting city judge of a verified bill of items for his services. Claims for any additional services, if any, shall be presented to the common council, and if allowed shall be deducted from the salary of the city judge.

§ 142. Rules.—The city judge may make rules not inconsistent with any law of this state, to govern the practice and procedure in his court, and fixing the sum of money required as a preliminary deposit to secure prepayment of fees by parties in civil actions.

TITLE XIII.

ACTIONS BY AND AGAINST THE CITY.

Section 143. Limitation of actions against the city.

144. No disqualification as judge or juror because of residence in city.

145. Civil actions to recover penalties.

Section 143. Limitation of actions against the city.—No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty days after the claim, debt or demand shall have been presented to the common council for audit. All actions brought against the city upon any contract, liability, expressed or implied, must be commenced within one year from the time that the cause of action accrued, or if for injuries to the person or property, caused by negligence, within one year from the time of receiving the injuries, and in other cases within six months after the refusal of the common council to allow the claim; and no action or proceeding shall be maintained against the city for personal injuries unless notice in writing of the intention to claim damages and of the time and place at which such injuries were received and the nature and extent of such injuries, shall have been filed with the corporation counsel within one month after such injury shall have been received and an omission to present such notice, within the time as above provided, shall be a bar to an action thereon against the city. Said city shall not be liable for damages or

injury to persons or property alleged to have arisen or been sustained from or in consequence of a defective or unsafe condition in any sidewalk, street, highway, crosswalk, grating, opening, bridge or culvert, drain or sewer, unless actual notice of such defective or unsafe condition shall have been given the superintendent of public works at least five days prior to such injury.

§ 144. Disqualification of judge or juror because of residence in the city.—No person shall be disqualified for acting as judge or juror by reason of being an inhabitant or freeholder in the city of Plattsburgh and in any action or proceeding in which the city is a party or interested.

§ 145. Civil actions to recover penalties.—Civil actions to recover any penalties or forfeiture incurred under this act may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of said city and, in any action brought in the city court, it shall be lawful to complain generally for the amount of such penalty or forfeiture stating the section of this act or of the ordinance under which the penalty is claimed, and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint and give the special matter in evidence. If such action be brought in the city court against an alleged owner of real property, the fact that title to real property comes in question on the pleadings or appears on the trial shall not deprive the court of jurisdiction, but may be litigated and determined by the judge as the right of the case may appear; but such judgment shall not be evidence concerning the title of real property in any other action or proceeding. The first process, in any such action, brought in the city court shall be by summons, which may be made returnable forthwith and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the city chamberlain to the credit of the general city fund; when any judgment shall be rendered in the city court in favor of or against the city of Plattsburgh in any action brought for the recovery of any penalty or for forfeiture or in any other action in which the city of Plattsburgh shall be a party, the city judge shall within ten days thereafter file with the city clerk a transcript of such judgment for which he shall be entitled to charge the sum

of twenty-five cents and include the same in the costs of said judgment; and in case the said judge shall omit to file such transcript or to do any of the acts above described he shall forfeit the sum of twenty-five dollars for each and every of such omissions, to be recovered in an action by the city against said city judge. Whenever a judgment in favor of the city shall be recovered for twenty-five dollars or upwards, exclusive of costs, a transcript thereof may be filed in the office of the clerk of Clinton county and thereupon the same shall become a lien upon the property of the defendant in such judgment to the same extent, and may be collected and enforced in the same manner as other judgments recovered before justices of the peace and transcripts filed in pursuance of the laws of the state of New York.

TITLE XIV.

ASSESSMENT AND TAXATION.

Section 146. Assessment of taxes.

147. Completion of roll.

148. Review, of assessment.

149. Equalization and levy for state and county taxes.

150. Levy of taxes by common council; tax rolls.

151. Issue of tax roll and warrant to chamberlain.

152. Notice of receiving taxes.

153. Tax receipts.

154. Notice of unpaid taxes and demand of payment.

155. Collection of tax by sale of personal property.

156. Collection of tax by civil action.

157. Proceedings in case of failure to collect tax on warrant.

158. Sale of land for unpaid taxes.

159. Notice of sale of land for taxes.

160. Manner of conducting sale of land for taxes.

161. Disposition of proceeds of sale.

162. Redemption of lands.

163. Notice of redemption.

164. Conveyance of real estate sold for taxes.

165. Settlement by chamberlain for taxes collected.

166. Power of common council as to void and erroneous assessments.

167. Collection of local assessments.

168. Tax levy for year nineteen hundred and two.

Section 146. Assessment of taxes.—The assessors shall in each year prepare an assessment roll of the persons and property taxable within the city, in the same manner and form as is required by law for the preparation of town assessment-rolls, except as modified by this act. In the assessment of any land in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and number of any building thereon; but if the land be vacant or the building thereon be not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land, the owner may be designated as unknown. No error in the name of the owner or occupant shall invalidate the assessment. Except as herein provided, only one assessment shall be made in each year for all the taxes levied within the city during that year.

§ 147. Completion of roll.—The assessors shall during the month of June in each year (except as herein provided for the first assessment), complete such assessment roll and shall file the same with the city clerk and shall give notice for thirty days, by posting such notice in three public places in the city, and by publication thereof in the official newspapers of the city, that such roll is completed and filed, and that all persons interested may examine the same at the city clerk's office, and that also on the first Tuesday of August next ensuing, at a place specified in such notice, the board of review will sit to review the same.

§ 148. Review of assessment.—The assessors shall constitute a board of review. They shall meet at the time and place specified in the notice mentioned in section one hundred and forty-eight of this act, and review the assessment. Their sessions shall not continue more than ten days. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment roll any property liable to assessment and the valuation thereof which may have been omitted from such roll, upon giving personal notice to the owner of such property or to his agent at least two days prior to adding the same. Except as modified by this act, the board of review shall have all the powers given by the tax law of the state of New York, to assessors sitting to hear complaints in relation to assessments, and the proceedings in relation thereto

shall be the same as provided by the tax law of the state. Any person assessed upon the assessment-roll, claiming to be aggrieved by any assessment for property therein, may review the same in manner provided by article eleven of the tax law. On or before the first day of September, the corrected assessment-roll together with their minutes shall be filed in the office of the city clerk.

§ 149. **Equalization and levy for state and county taxes.**—The city clerk shall immediately thereupon proceed to prepare the roll for the ensuing year. He shall, upon the written direction of the assessors, correct all clerical errors appearing therein, make a true copy of the assessment-roll as corrected, certify it under the seal of the city, and deliver it to the chairman or clerk of the board of supervisors of the county of Clinton, at its next annual meeting. The board of supervisors of Clinton county shall in each year equalize the assessments within the city of Plattsburgh with the assessments of the towns in said county, in the same manner as the assessments are required to be equalized between such towns. The board of supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the fifteenth day of December in each year, certify such resolution under the hands of the chairman and the clerk of the board of supervisors to the common council of the city, and file such resolution with the city clerk, and the city clerk shall thereupon extend and apportion such tax on the assessment-roll together with the city taxes, levied as hereinafter provided, and not theretofore collected or for which no warrant is outstanding, and no other extension and apportionment of such state and county taxes need be made.

§ 150. **Levy of taxes by common council; tax rolls.**—The common council must annually cause to be levied and raised by general tax upon all taxable property, real and personal, in the city, according to the valuation upon the assessment-roll for the current year, corrected as aforesaid:

1. The amount of taxes certified to the common council of the city by the board of supervisors to be assessed upon the city.

2. The amount of all interest and any installment of princi-

pal falling due upon the bonds or other permanent debt of the city, which shall be kept in a separate fund to be called the public debt fund.

3. The amount necessary to defray the expenses for the next fiscal year as authorized and provided in this act, but such taxes may be divided into two parts, and two separate warrants may issue therefor. One warrant which includes the taxes certified by the board of supervisors may also include the amount needed for school purposes from January first to July first, and also the amount needed to pay interest and principal of bonds falling due between February first and August first and such other items as the common council determine best to include. The other warrant to be issued at such time as in the judgment of the common council it will be most convenient and least burdensome to taxpayers, to include all taxes not included in the first warrant. Nothing herein contained however shall prevent, in case the common council deem it advisable, the collection of all taxes levied for one year, in a single warrant.

§ 151. Issue of tax roll and warrant to chamberlain.—The city clerk, under the direction of the common council, shall extend and apportion the taxes to be collected on the assessment-roll delivered to him, and as often as taxes are directed to be collected, and shall forthwith file the same in his office, and shall make two copies of the same with the taxes to be collected, extended and apportioned, and shall certify such copies to be correct duplicate city rolls of state, county and city taxes as the case may be; the first roll if more than a single warrant is to issue, shall then and on or before the fifteenth day of January, or as soon thereafter as practicable, be delivered to the chamberlain of the city with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the person or property therein mentioned or described, with such percentage of penalty and interest as is in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors and with the additional powers conferred by this act, and shall in like manner prepare a second roll, if taxes are divided, at such time as the common council shall direct and embracing all other taxes to be collected. From the time of the receipt of the tax roll and warrant by the cham-

berlain, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the amount thereof with percentage and interest until the same shall be fully paid.

§ 152. **Notice of receiving taxes.**—Immediately on the delivery of the city roll and warrant to the chamberlain he shall publish a notice in the official newspapers of the city, that he will attend at his office with said roll and warrant, for thirty days next after the first publication of said notice, Sundays and legal holidays excepted, from nine o'clock in the morning to four o'clock in the afternoon, to receive taxes so assessed, and it shall be his duty to attend accordingly. All taxes or assessments paid within thirty days after the first publication of the chamberlain's notice shall be payable without fee, percentage or interest thereon. On all taxes or assessments remaining unpaid after the expiration of such thirty days, the chamberlain shall collect two per centum additional, and all remaining unpaid after the expiration of sixty days from such first publication, the chamberlain shall collect five per centum additional, and there shall be collected thereon, in addition to said five per centum, interest at the rate of one per centum per month from the expiration of said sixty days, which percentage and interest shall belong to the city.

§ 153. **Tax receipts.**—Immediately upon receiving any tax the chamberlain shall enter in a column prepared for the purpose and opposite the names of the persons or corporation, paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. Any person may pay any one or more taxes or assessments upon his property, leaving others unpaid to be enforced in the manner provided by this act. All receipts issued by the chamberlain for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes on any one warrant, and he shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and distinct series of numbers or receipts, issued for the taxes on each warrant or tax roll giving the number of the warrant if more than one in any year. The city clerk shall cause all tax receipts to be printed and numbered and firmly bound together in book form, and to be in duplicate and each duplicate to bear the same number.

§ 154. Notice of unpaid taxes and demand of payment.—If any such tax shall remain unpaid after the expiration of sixty days from the first publication of the notice specified in section one hundred and fifty-three of this title, the chamberlain shall forthwith serve or cause to be served upon the persons against whom such tax remains charged, a written notice, requiring him to pay the same to the chamberlain within ten days from the service of such notice. Such notice may be served upon any such person personally, or by leaving at his residence in said city, or by depositing in the post-office in said city, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. It shall not be necessary to make any other demand or payment of said tax.

§ 155. Collection of tax by sale of personal property.—If any person shall neglect or refuse to pay any tax charged against him, within the ten days above provided, the chamberlain shall forthwith issue his warrant under his hand and the seal of the city and addressed to any constable or police officer of the city, commanding such officer to levy upon any personal property in the city or in the county of Clinton, belonging to or in possession of the person whose tax remains unpaid, and cause the same to be sold at public auction for the payment of such tax, and the fees and expenses of collection; and no claim or property to be made thereto by any other person shall be available to prevent such sale. The officer to whom such warrant shall be delivered shall proceed as therein directed. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days previous thereto. The officer conducting such sale shall return the proceeds thereof together with this warrant to the chamberlain within fifteen days after the same shall have been issued to him. He shall be entitled to charge the same fee as constables are entitled to receive for collecting money by virtue of execution. If the proceeds of such sale shall be more than the amount of such tax, the fees for collection and the expenses of sale, the surplus shall be paid to the person against whom the tax is assessed, unless his right thereto is disputed by some other person, in which case such surplus shall remain in the hands of the chamberlain, without liability on his part or on that of the city for costs, until the

rights of the parties thereto shall be determined by due course of law.

§ 156. Collection of tax by civil action.—The chamberlain is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of ninety days from the first publication of the notice specified in section one hundred and fifty-three, with the additions and fees unpaid thereon, and to recover judgment therefor with twelve per centum interest thereon and the cost and expenses of such action. The city judge shall have exclusive jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such action may be filed, and such judgment docketed in the office of the clerk of Clinton county, and it shall, however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment, upon all real estate of the judgment debtor, situated in said county, and shall have the same priority over any other lien or encumbrance upon, or transfer of the property charged with the tax, for which such action was brought as the lien sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law and all the provisions of law in reference to sale and redemption of real estate on execution, or to proceedings supplementary to executions, shall apply to sales, redemptions, or such proceedings which may be had under this act.

§ 157. Proceedings in case of failure to collect tax on warrant.—On or before the fifteenth day of June next after any tax or water rent shall have been imposed upon any real estate in said county, the chamberlain shall make and deliver to the assessors a transcript, of any and all such taxes and water rents which remain unpaid, and it shall be the duty of the assessors, on or before the fifteenth day of July thereafter, to make and deliver to the chamberlain a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed then it shall

be the duty of such assessors to make and include in said statement a correct assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, shall be as valid and effectual for all purposes as though they had originally been corrected.

§ 158. **Sale of land for unpaid taxes.**—Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of August, the chamberlain shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, expenses of survey and advertising, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 159. **Notice for the sale of land for taxes.**—The chamberlain shall cause to be published a notice of such sale containing a description of the lands to be sold and specifying the time and place of sale, in the official newspapers of the city, once a week for at least six successive weeks, immediately prior to day of sale, and shall also post such notice of sale in at least three public places in the city at least forty-two days before the day of sale. On the day named the chamberlain shall commence the sale of such lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives, or any person interested therein, may avoid the sale thereof by paying the tax or taxes to the chamberlain, with all accrued interest, fees, additions and expenses.

§ 160. **Manner of conducting sale of land for taxes.**—Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the chamberlain immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the chamberlain shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the chamberlain shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the

chamberlain shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quality thereof, and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the chamberlain. The chamberlain shall deliver the other duplicate certificate to the clerk of the county of Clinton, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the chamberlain and shall be a part of the expenses of the sale of the parcel. If from any cause the chamberlain shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the chamberlain.

§ 161. *Disposition of proceeds of sale.*—The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold and if there shall be any residue, the chamberlain shall hold the same until the owner of the premises at the time of such sale, shall redeem them from the sale as herein provided, and the chamberlain shall pay such owner the said surplus. In all other cases the chamberlain shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus or statutory foreclosure of a mortgage or real estate. In case any taxes shall be assessed and levied upon real estate which has been

sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the chamberlain may deduct the amount thereof from any surplus in his hands of the sum bid for the same, if there be any surplus; if there shall be no surplus, or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same, otherwise, the purchaser shall pay the same before he shall receive his conveyance of the same.

§ 162. **Redemption of lands.**—The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the chamberlain, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of ten per centum per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the rate of ten per centum upon such tax or assessment from the time of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons, until the termination of their disability. In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the chamberlain shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the county clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

§ 163. **Notice of redemption.**—At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the chamberlain shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months,

in the official newspaper of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said lands shall not be redeemed from such sale hereinbefore provided.

§ 164. **Conveyance of real estate sold for taxes.**—If any parcel or lot so sold shall not be redeemed as herein provided, the chamberlain, immediately after the expiration of the said two years shall execute and deliver to the purchaser, his heir or assigns, or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The chamberlain executing such conveyance shall be entitled to demand and receive from the grantee two dollars for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance, and no fee shall be charged therefor. Every such conveyance shall be executed by the chamberlain, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in the manner and with like effect as any other conveyance of real estate. The said grantor or his assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of said lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 165. Settlement by chamberlain for taxes collected.—It shall be the duty of the chamberlain to pay over to the treasurer of Clinton county at the end of each month during the period that the tax roll and warrant is in his hands, all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one of which shall be immediately filed with the city clerk. All other moneys received by him for taxes shall be daily deposited in such banks as are made depositories of the city, by resolution of the common council. Except as otherwise provided by this act, the chamberlain shall settle with the county treasurer for state and county taxes in the manner required by law of town collectors, and with the common council for city taxes and assessments in the same manner. Upon the final settlement with the county treasurer, the chamberlain may pay from the general fund of the city the amount of the uncollected state and county taxes in his hands for collection, and thereupon such taxes shall belong to the city of Plattsburgh. At the time of the delivering to him of the duplicate city roll and tax warrants, the chamberlain shall receipt for the same, and shall then be charged with the whole amount which he is hereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid and setting forth the reason in each case why such tax or assessment is or has not been collected. The common council may thereupon order and authorize said chamberlain to credit himself with the whole or any part of said tax or assessment unpaid, and the chamberlain shall be credited only with such amount as the common council shall so order. Upon settling with the common council the chamberlain must show that he has duly settled with the county treasurer for state and county funds. The city clerk shall, on the delivery of the blank tax receipts to the chamberlain, charge the chamberlain with the number of receipts delivered, and the chamberlain shall immediately examine the numbering of the receipts and report to the city clerk any irregularity found therein. The chamberlain shall receipt to the city clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements; also for all detached receipts, including receipts the duplicates of which do not show the entry of taxes. All irregularities in

the issuance of receipts that render them worthless must be shown on the face of the original which must in no case be detached from the duplicate. At the time of the settlement the chamberlain shall deliver to the city clerk all duplicates of receipts issued by him, and other receipts delivered and charged by the city clerk to him.

§ 166. Power of common council as to void and erroneous assessments.—The common council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands or in the description of the owner or occupants, the common council may, in their discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the common council are hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city chamberlain to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made. But the common council shall not alter any valuation made by the assessors. Any omission to comply with the provisions of this act in making an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby, void, but shall be treated as an irregularity merely and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment made, assessed or levied under this act or which has heretofore been made, assessed or levied, or attempted to be made, assessed or levied, upon property situate within the

limits of the present village of Plattsburgh, either by the assessors thereof or by the common council or by the village of Plattsburgh or the board of trustees thereof, or by the town of Plattsburgh or assessors thereof or by the board of supervisors of the county of Clinton, or the board of education of free school district number one of the town of Plattsburgh, shall be or be declared void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the common council shall have power, and it shall be their duty to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

§ 167. Collection of local assessments.—Whenever an assessment shall be ordered for local improvements, the assessment shall be made to resemble in form as nearly as practicable the tax list, and be provided with a column in which payments can be entered by the chamberlain. All provisions relating to the collection of taxes in this act, shall be applicable to the collection of assessments mentioned in this act, and the amount of all assessments for local improvements in default at the time of the annual tax levy shall be added to the amount assessed against the same land for general city taxes and shall be collected and enforced in the same manner as in the same provided.

§ 168. Estimates; assessment-roll and tax levy for the year nineteen hundred and two.—The several boards and officers mentioned in this act, shall within ten days after they enter upon their duties, make the several reports and estimates for the year ending December thirty-first, nineteen hundred and two as near as may be, in the manner and as provided in section forty. The common council shall revise such estimates and include therein the lawful indebtedness of the village of Plattsburgh, and shall immediately levy without publication of estimates the aggregate amount so ascertained and determined, together with the amount of all interest and any installment of principal falling due upon the bonds or other permanent debt of the city prior to January first, nineteen hundred and three and inclusive of that date upon the taxable property, real and personal, in the city, according to the valuation upon the real and personal prop-

erty within the limits of said city of Plattsburgh, as appears upon the last assessment-roll of the town of Plattsburgh, corrected as herein provided. The assessors shall immediately upon entering upon their duties, and within ten days after their appointment, prepare from the town assessment-roll of nineteen hundred and one, with such changes of ownership and valuation as they shall deem necessary and just, an assessment-roll for the city of Plattsburgh, which shall be the assessment-roll of said city for the year nineteen hundred and two. The said assessors shall give five days' notice by publication in the official papers of the city that said roll is completed and filed, and that all persons interested may examine the same at the city clerk's office, and that immediately after said five days, at a place specified in said notice, the board of assessors will sit and review the same. Said assessors shall meet at the time and place specified in said notice and review the assessment in the same manner as provided in title fourteen of this act, and shall within two days thereafter file a corrected assessment roll, together with their minutes, in the office of the city clerk. The said clerk shall immediately proceed to prepare the assessment roll and shall upon the written direction of the assessors correct any clerical errors appearing therein. Upon the receiving of the tax rolls by the common council for the year nineteen hundred and two, said clerk shall immediately, under the direction of the common council, extend and apportion said tax and assessment, and forthwith file the same in his office. Such roll shall as soon thereafter as practicable, be delivered to the chamberlain of the city with warrant annexed thereto under the seal of the city commanding him to receive and levy the tax in the manner and as provided in section one hundred and fifty-three of this act. The provisions of this act applying to the annual tax levy of the city and to the collecting and enforcing of the same, shall apply to the special tax levy of the year nineteen hundred and two provided for in this section except as herein modified.

TITLE XV.

MISCELLANEOUS.

Section 169. Adjustment of property and liabilities of town of Plattsburgh.

170. Continuation of village officers.

Section 171. First official and fiscal year of the city.

172. First election of the elective city officers.

173. First appointment of appointive city officers.

174. Limitation of city indebtedness.

175. Unpaid taxes.

176. Village funds to be paid to chamberlain.

177. All moneys to be paid to chamberlain.

178. The city chamberlain to borrow money for current expenses.

179. Reading of charter, ordinances, records, in evidence.

180. Village assessments, liens.

181. Town board to fill vacancies, jurisdiction to cease.

182. Inspectors of election.

183. Repealing act.

184. Time when this act shall take effect.

Section 169. Adjustment of property and liabilities of town of Plattsburgh.—The city of Plattsburgh shall be liable for its proportion of the debts, demands and claims existing at the time of the passage of this act against the town of Plattsburgh, to be ascertained and adjusted as provided in this act. The present supervisor and commissioner of highways of the town of Plattsburgh and the president of the village of Plattsburgh shall constitute a board of auditors and shall within twenty days after the passage of this act, meet, ascertain and audit all debts, claims and demands against said town, including outstanding bonds, if any, and adjust the amount or proportion thereof to be paid by the city of Plattsburgh and by the town of Plattsburgh respectively, according to the respective valuations of said city and town on the last assessment roll. The said board shall make a statement, in duplicate, showing the amount of such indebtedness and the items thereof, and the proportionate amount thereof and of each item to be paid by said city and said town respectively, and file one copy thereof with the county clerk of Clinton county for the town of Plattsburgh, the other with the city clerk of the city of Plattsburgh; and the debt of said city and said town, so adjusted, shall be paid in the proportion so adjusted the same as the other debts existing against said city and said town respectively. All unexpended moneys belonging

to the town of Plattsburgh and remaining in the hands of the supervisor of said town, shall thereupon be apportioned by said board of audit between the city of Plattsburgh and said town of Plattsburgh, in the manner and on the basis as herein provided. All unexpended moneys belonging to the town of Plattsburgh under the control of the board of alms or remaining in the hands of any official of said town, shall thereupon be apportioned by said board of audit between the city of Plattsburgh and said town of Plattsburgh, in the manner and on the basis as hereinbefore provided. The amount apportioned to the city of Plattsburgh shall be paid by said officials to the acting chamberlain of said city, to the credit of the general fund; and the amount apportioned to the town shall be paid to the supervisor of said town, and receipts taken therefor, and thereupon said officers shall be relieved from all further responsibility therefor. The said board of audit shall also apportion in the same manner all securities, evidences of debt, property and effects, as the same may be valued by it, between said city and said town, in the manner and on the basis as hereinbefore provided. The title to the real property situated within the boundaries of said city to vest in said city, and the real property within the limits of said town to vest in said town, and the value thereof to be adjusted as hereinbefore provided, and the balance on adjustment and appraisal of realty shall be debited against the town and city as the case may be and shall be paid as any other debt. Within twenty days after the passage of this act the county treasurer of the county of Clinton shall open new accounts with the city of Plattsburgh and the town of Plattsburgh respectively, and shall in like manner as herein above stated apportion the amount due the city of Plattsburgh and the town of Plattsburgh respectively on the proportions found by said board of audit. The county treasurer shall certify to the acting chamberlain of the city of Plattsburgh the amount in the county treasury to the credit of the city of Plattsburgh.

§ 170. Continuation of village officers.—Until the completion of the canvass and declaration of the result of the votes cast at the first election, provided for in this title, the officials to be superseded by the officers elected and appointed for the city of Plattsburgh shall continue in office and exercise their func-

tions as officers of the village of Plattsburgh and of the town of Plattsburgh as though this act had not been passed, and for the purpose of giving to them full jurisdiction and authority in the premises the said village of Plattsburgh and said town of Plattsburgh shall be deemed to continue as municipalities as theretofore, and this provision shall be deemed a necessary provision for lawful and uninterrupted government until the organization of the city of Plattsburgh is perfected, and for the purpose of providing moneys to pay the municipal expenses of the village of Plattsburgh until such city organization is perfected as aforesaid, the board of trustees of said village may by resolution authorize the treasurer of said village to borrow a sum not exceeding five thousand dollars to be included in the first tax roll of said city. The official papers of the village of Plattsburgh shall be the official papers of the city of Plattsburgh until others are designated as provided in this act.

§ 171. **First official and fiscal year of the city.**—The first official year of the city of Plattsburgh shall commence upon the date of the taking effect of this act, and shall end with the thirty-first day of December, nineteen hundred and two; for the purpose of computing the compensation to which the said city officers shall be entitled during the said first official year, the time of actual service shall be the basis.

§ 172. **First election of the elective city officers.**—A special city election for the first election of all the elective city officers of the city shall be held as herein provided, all of which officers shall be elected for and serve to and including the thirty-first day of December, nineteen hundred and three, but the term of the chamberlain shall not commence until the expiration of the term of appointment of the present receiver of taxes, unless by resignation or from other cause his office as receiver of taxes shall become vacant within thirty days after the date of the aforesaid election he shall take the oath of office and furnish a bond as is required of the chamberlain by this act, and in that case he shall discharge all the duties and be vested with all the powers of chamberlain of the city of Plattsburgh, and shall be known as the chamberlain, and shall receive the salary provided for that officer herein. The term of the city judge shall not commence until the expi-

ration of the term of the present recorder of the village of Plattsburgh, unless a vacancy shall occur by resignation or otherwise, but within ten days after the date of said election if he shall file his oath of office and otherwise qualify as provided in this act for the city judge, he shall be deemed the city judge thereafter, until his said term expires and shall be vested with all the authority and subject to all the duties by this act conferred or imposed upon the city judge, and shall be known as and entitled to the salary of city judge. Upon the third Tuesday after the passage of this act, at eight o'clock in the evening, the board of trustees of said village shall meet and shall designate places in each of said wards for voting at such election, and shall appoint four inspectors of election, two poll clerks and two ballot clerks for each ward. Two of such inspectors, and one of such poll clerks and ballot clerks shall be appointed from each of the two political parties polling the greatest and next greatest number of votes in such village at the last preceding general election. Such appointments shall be made by such board of trustees upon the recommendation of the village committees created in nineteen hundred and two, representing such parties. In case of a tie vote in the board of trustees on any appointment, the president of the board may vote, and a notice of such special election shall be given by the clerk of said board, and the election shall be held on the first Tuesday in May, nineteen hundred and two. The provisions of the general law relating to special village elections shall in every respect apply to such special elections, except the designation of places for voting; and the appointment of the inspectors of election, poll clerks and ballot clerks for such special election need not be made more than eight days before such special election and except as herein specified; the provision of the general election law requiring the registration of voters, the filing of certificates of nomination and publication thereof, shall not apply to the special election herein provided for. The several wards of the city shall be the election districts respectively for the first election. Forthwith, upon the appointment of the inspectors of election, poll clerks and ballot clerks for such special election, and the designation of the places for voting thereof, the village clerk shall notify each inspector of election, poll clerk and ballot clerk of

his appointment to the election district in and for which he is appointed, and the places for voting therein; and the date of the election, and of the times of opening and closing the polls thereat, which shall be the same as the times for opening and closing the polls of an annual election in said city in pursuance of this act; and said village clerk shall forthwith cause to be published in each of the official newspapers of the city, at least twice in the week immediately preceding such election, stating in substance the date of such special election, the time of opening and closing the polls thereat, a description of each ward which shall be the election district for such election. The votes cast at such election shall be canvassed and the results thereof declared on the next day following said election in the same manner as is provided by the charter of the village of Plattsburgh when trustees are elected. The officers so elected at said special election shall respectively and immediately succeed to their offices, and the first meeting of the common council shall be called by the mayor within three days after the canvass and declaration of the votes cast at such election.

§ 173. **First appointment of appointive city officers.**—As soon as practicable and within ten days after the completion of the canvass and the declaration of the votes cast at such special election, the city officers, (except the chamberlain and city judge) hereinbefore mentioned, and in the manner mentioned shall be appointed. There shall also be appointed by the mayor, subject to the confirmation of the common council as hereinbefore provided, in the month of August in each year, a member of the board of education in place of the elective member of such board whose term of office expires at the time fixed for the annual school meeting in each year. Each of the boards shall, within ten days after they are constituted appoint the officers which this act empowers them to appoint. After such special election the general elections of the city of Plattsburgh shall be held on the fourth Tuesday of November, nineteen hundred and three, and on the fourth Tuesday of November of each second year thereafter.

§ 174. **Limitations of city indebtedness.**—The city of Plattsburgh shall not incur any indebtedness if thereby its total contract indebtedness including the bonded debt and exclusive of liabilities for which taxes have already been levied, shall exceed

ten per centum of the assessed valuation of the real property of said city, subject to taxation, as it appeared on the last previous city assessment roll.

§ 175. Unpaid taxes.—The city of Plattsburgh shall be entitled to all unpaid taxes of the village of Plattsburgh and of free union school district number one of the town of Plattsburgh, and of all unpaid taxes, real and personal, located within the boundaries of the city of Plattsburgh, as appears upon any assessment roll of the town of Plattsburgh, and the same shall be collected and enforced by the same proceedings and process by which the city taxes may be collected and enforced.

§ 176. Village and school funds to be paid to chamberlain.—The assessment rolls of the village of Plattsburgh and the assessment rolls of free union school district number one of the town of Plattsburgh and all the funds of the village of Plattsburgh in the hands of the receiver of taxes and the treasurer of said village at the time this act takes effect shall, except as herein otherwise provided, be delivered by the receiver of taxes and the treasurer of said village to the acting chamberlain of said city as soon as he shall have qualified, and the common council shall as soon as practicable, audit and order paid therefrom the various claims properly chargeable to said funds. All funds belonging to free union school district number one of the town of Plattsburgh, or the board of education thereof, in whomsoever hands the same may be, shall be paid over to the city chamberlain without delay and be credited by him to the school fund. The city chamberlain shall pay over to the county treasurer of the county of Clinton all amounts collected upon the town assessment rolls of the town of Plattsburgh.

§ 177. All moneys to be paid to chamberlain.—All officers or other persons who shall receive any money for or belonging to the city, by or under the provisions of this act, or otherwise, shall within ten days after its receipt, except as otherwise provided by this act, pay the same over to the chamberlain of the city and take his receipt therefor. The city chamberlain shall have power to enforce payment of the same by suit in the name of the city.

§ 178. The city chamberlain to borrow money for current expenses.—The city chamberlain shall, with the approval of the common council expressed by resolution, have the power to bor-

row money on the credit of the city for the payment of current city expenses, in anticipation of taxes, and after the same have been levied, but not in excess of the amount levied.

§ 179. Reading of charter, ordinances, in evidence.—The charter of the city of Plattsburgh may be read in evidence from the volume of the session laws of the state of New York, containing said charter, from the volume printed by the authority of the common council, or from a certified copy made by the city clerk, or from the volume of ordinances and by-laws provided by authority of the common council; and all records and all accounts of the city which the city officers are required by law to keep, shall be presumptive evidence of the truth of their contents in any court.

§ 180. Village assessments; liens.—All taxes heretofore levied and all assessments made and liens declared by the village of Plattsburgh, or the board of trustees thereof, or by the board of supervisors of the county, upon property in said village shall be, remain and continue existing liens against said property and enforceable by the city of Plattsburgh in the manner hereinbefore provided, and all assessments, heretofore made and liens created or assumed to be created by the village of Plattsburgh or board of trustees thereof against property in said village, and all water rents due the village or the water commissioners thereof, are hereby legalized, ratified and confirmed, approved and declared lawful and are made valid liens in favor of said city of Plattsburgh, and enforceable by said city in the manner hereinbefore provided. But the provisions of this act shall not in any manner affect any action hereinbefore commenced and now pending against the said village of Plattsburgh. The common council of said city shall have the authority and is hereby empowered to accept the surrender of any franchise or any right or rights, given under any franchise heretofore granted by the board of trustees of the village of Plattsburgh, without any impairment of any of the remaining rights granted under said franchise and on such terms as the common council may deem just. All bonds heretofore issued by the village of Plattsburgh, all bonds heretofore issued by the board of water commissioners of the village of Plattsburgh, all bonds heretofore issued by the board of education of free union school district number one of the town of Plattsburgh, and all bonds issued by the special

commission provided for by chapter three hundred and fifty-three of the laws of nineteen hundred and one, are hereby ratified, confirmed and legalized.

§ 181. Town board to fill vacancies; jurisdiction to cease.—On the third Tuesday after the passage of this act, at two o'clock in the afternoon, the present town board of the town of Plattsburgh shall meet at the office of the town clerk of said town or at the county court house in said town and shall hold continuous session without adjournment, and thereat appoint to hold office until the next town meeting appointed to be held in the towns of Clinton county and until their successors are elected and shall have qualified, one overseer of the poor and one collector of taxes, who shall be resident electors of the town of Plattsburgh, and not residents of the city of Plattsburgh, and they shall thereafter qualify as provided by law for town officers, and discharge the duties imposed upon said officers as by law provided. In case the town board shall fail to make such appointments on or before the third Wednesday after the passage of this act then the supervisor of said town shall make such appointments. Thereafter the said town board shall meet (except as provided by section one hundred and sixty of the town law) only on the call and written notice to each member of said board, signed by the supervisor of said town, and no member of said town board shall be entitled to pay for more than one day for any meeting so called, or for any meeting provided for by this section, whether such meeting be continued by adjournment or otherwise into any other day or days, and such per diem charge for one day shall be full compensation for all services of the town clerk in writing up the minutes of such meeting, and all other services connected therewith. Except as herein provided the duties and powers of the town board shall continue in the present town board until the time appointed for the next town meetings in the towns of said county, and the canvass and declaration of votes thereat, but in case of a vacancy by expiration of term or otherwise, in the office of any town officers, the same shall be filled if by appointment, by some person appointed thereto, being a resident elector in the town of Plattsburgh and not in the city of Plattsburgh, and the term of such

appointee shall continue until the said town meeting and thereafter until his successor shall have qualified. All town officers in the town of Plattsburgh holding office when his act shall go into effect (except as herein provided as to collectors of taxes and overseer of the poor) shall continue in office until the said next town meeting and the canvass and declaration of voters thereat. When the terms of all such officers who shall be then residents of the city of Plattsburgh shall cease and terminate, and all such town officers shall discharge all the duties and exercise all their functions the same as though this act creating the city of Plattsburgh had not been passed, but the territory subject to their jurisdiction shall not include the territory in this act declared to be the city of Plattsburgh, except so far as to enable said officers to hold the said town offices, and discharge all the duties imposed by law thereon within the limits of said city of Plattsburgh, and for such purpose the town clerk and all other officers residing in the city of Plattsburgh may continue to keep their office in said city until after the said town meeting. Chattel mortgages required by law to be filed with the town clerk shall be filed in the office of the county clerk as heretofore, until a town clerk shall be elected and shall have qualified, residing within the limits of said town of Plattsburgh, and not in the city of Plattsburgh. The justices of the peace now residing in said city of Plattsburgh shall continue to have jurisdiction in civil cases throughout said town of Plattsburgh, including the city of Plattsburgh. Such jurisdiction shall continue as though this act had not been passed, until the canvass and declaration of votes at said next town meeting when the term of office of all justices of the peace residing then in the city of Plattsburgh shall cease and terminate and such office shall be deemed vacant and may be filled by the town board of the town of Plattsburgh as provided by law, if not previously filled by election. In case the term of office of any justice of the peace shall before said town meeting expires or any vacancy for any cause shall be created in such office, no successor shall be appointed residing in said city of Plattsburgh. For the purposes aforesaid and for the lawful continuation of uninterrupted government in the town of Plattsburgh until the said town shall as herein contemplated, elect at said town meeting officers residing in said

town. The territory constituting the city of Plattsburgh shall be deemed to be a part of the town of Plattsburgh. The town board of said town shall have power and it shall be its duty to appoint inspectors of election for said town meeting, and for any election to be held in said town before said town meeting. Such inspectors shall be politically qualified as the law requires, but any elected inspector of elections, if any there may be, who reside when this act takes effect, in said town, shall be deemed an inspector of elections, entitled to serve as such, at elections in said town until after said town meeting. The town board of said town shall provide a place or places in said town outside the limits of the city of Plattsburgh for the holding of elections, and may divide said territory into election districts, and shall have power to do everything necessary to be done under the election law, or under any law, to the end that until after said town meeting, elections shall be conveniently and legally held.

§ 182. *Inspectors of election.*—The mayor of the city of Plattsburgh shall have power and it shall be his duty to appoint all inspectors of election held in the city of Plattsburgh. Such inspectors shall be qualified as the law provides, and shall in each ward be equally divided between the two political parties casting the largest vote at the next previous general election for state and county officers. If the political committee for the city of either of said political parties shall on or before four weeks prior to any election submit the names of persons to act in any ward or election district for that party, and such persons shall be otherwise than politically qualified, the mayor shall appoint such person or persons to act as inspectors at such election.

§ 183. *Repealing act except as in this act it is otherwise provided.*—Chapter two hundred and forty-eight of the laws of eighteen hundred and sixty-eight; chapter six hundred and thirty-six of the laws of eighteen hundred and seventy-three; chapter two hundred and fifty of the laws of eighteen hundred and seventy-eight; chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-nine; chapter three hundred and twenty-two of the laws of eighteen hundred and ninety; chapter eighty-six of the laws of eighteen hundred and ninety-three, and all acts amendatory of any of said acts are hereby repealed. Chapter eight hundred and ten

of the laws of eighteen hundred and sixty-seven except section three thereof is hereby repealed, otherwise to remain in full force and effect.

§ 184. Time when this act shall take effect.—This act shall take effect immediately.

Chap. 270.

AN ACT to amend the civil service law, in relation to veterans.

Became a law, March 29, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Civil serv-
ice law
amended.

Section 1. Sections eight, twenty and twenty-one of chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the civil service of the state of New York and the cities and civil divisions thereof," are hereby amended to read as follows:

§ 8. **Unclassified service; classified service.**—The civil service of the state and of each of its civil divisions and cities shall be divided into the unclassified service and the classified service. The unclassified service shall comprise all elective offices, all offices filled by election or appointment by the legislature on joint ballot; all persons appointed by name in any statute; all legislative officers and employees, all offices filled by appointment by the governor, either upon or without confirmation by the senate, except officers and employees in the executive offices; all election officers, the head or heads of any department of the government, and persons employed in or who seek to enter the public service as superintendents, principals or teachers in a public school or academy or in a state normal school or college. The classified service shall comprise all positions not included in the unclassified service. All appointments or employments in the classified service, except those of veterans of the civil war, honorably discharged from the military or naval service of the United States, shall be for a probationary term not exceeding the time fixed in the rules.

§ 20. **Preferences allowed honorably discharged soldiers, sailors and marines.**—In every public department and upon all pub-

lic works of the state of New York and of the cities, counties, towns and villages thereof, honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late civil war who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made to all competitive and non-competitive positions provided their qualifications and fitness shall have been ascertained as provided in this act and the rules and regulations in pursuance thereof; and the persons thus preferred shall not be disqualified from holding any position in the civil service on account of his age or by reason of any physical disability provided such age or disability does not render him incompetent to perform the duties of the position applied for. Whenever any list of eligible persons, prepared under authority of this act, shall contain the names of honorably discharged soldiers, sailors and marines entitled to preference as aforesaid any reference in this act or in the rules and regulations in pursuance thereof to the persons standing highest on such list shall be deemed to indicate those standing highest of those entitled to preference by the provisions of this section and such person shall be given preference on any list of registered applicants for employment in the labor service, in accordance with the dates of their several applications as though such applications had been filed prior to those of any persons on such lists not entitled to the preference provided by this section. A refusal to allow the preference provided for in this and the next succeeding section to any honorably discharged soldier, sailor or marine or a reduction of his compensation (intended to bring about his resignation) shall be deemed a misdemeanor, and such honorably discharged soldier, sailor or marine shall have a right of action therefor in any court of competent jurisdiction for damages, and also a remedy by mandamus for righting the wrong.

§ 21. Power of removal limited.—Every person whose rights may be in any way prejudiced contrary to any of the provisions of this section shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of New York or in the several cities, counties, towns or villages thereof, who is an honorably

discharged soldier, sailor or marine, having served as such in the Union army or navy during the war of the rebellion and who is an honorably discharged soldier, sailor or marine, having served as such in the volunteer army or navy of the United States during the Spanish war, or who shall have served the term required by law in the volunteer fire department of any city, town or village in the state, or who shall have been a member thereof at the time of disbandment of such volunteer fire department, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges and with the right to such employee or appointee to a review by a writ of certiorari. If the position so held by any such honorably discharged soldier, sailor or marine, or volunteer fireman shall become unnecessary or be abolished for reason of economy or otherwise, the said honorably discharged soldier, sailor or marine, or volunteer fireman holding the same shall not be discharged from the public service, but shall be transferred to any branch of the said service for duty in such position as he may be fitted to fill receiving the same compensation therefor, and it is hereby made the duty of all persons clothed with power of appointment to make such transfer effective. The burden of proving incompetency or misconduct shall be upon the person alleging the same. Nothing in this section shall be construed to apply to the position of private secretary, cashier or deputy of any official or department.

§ 2. This act shall take effect immediately.

Chap. 271.

AN ACT to amend section fifty-three of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five as amended by chapter one hundred and ninety-nine, laws of eighteen hundred and ninety-eight, and by chapter two hundred and eighty-nine, laws of eighteen hundred and ninety-nine, relative to the annual city tax levy in the city of Little Falls.

Passed without the acceptance of the city.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-three, of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-five, as amended by chapter one hundred and ninety-nine laws of eighteen hundred and ninety-eight, and by chapter two hundred and eighty-nine, laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows: Charter amended.

§ 53. **Maximum amount of annual city tax levy.**—The common council of the city may raise by tax upon the real and personal property assessable in the city:

a. For the year nineteen hundred and two, for the fire and police fund, a sum not exceeding thirteen thousand dollars, and for the same purposes, for the year nineteen hundred and three, a sum not exceeding twelve thousand dollars, and for every succeeding year, for the same purposes a sum not exceeding ten thousand dollars.

b. For the poor fund, a sum not exceeding eight thousand dollars.

c. For the park and cemetery fund, a sum not exceeding fifteen hundred dollars.

d. For the fire hydrant fund, a sum not exceeding sixty-five hundred dollars.

e. For the street fund, a sum not exceeding twelve thousand dollars.

f. For the paving fund, a sum not exceeding fifteen thousand dollars.

g. For the lighting fund, a sum not exceeding ten thousand dollars.

h. For the contingent fund, a sum which, added to the amount placed in and credited to said fund from the excise and liquor tax law moneys during the last preceding year, shall not exceed twelve thousand dollars.

i. An amount sufficient to pay the city's share and portion of all assessment bonds and interest thereon falling due during the current fiscal year.

The aggregate for the annual tax levy for all purposes in this section above specified, shall not exceed the sum of fifty-three thousand dollars. In addition to the amounts which shall be included in the annual tax levy for the foregoing purposes, there shall also be included therein for the purposes and uses of the board of education, such sum or sums as the board of education shall declare necessary in pursuance of general laws; and also such amount as shall be necessary to meet the principal and interest on the bonded and other indebtedness of the city falling due during the fiscal year, for which the tax is levied, and to meet all indebtedness remaining unpaid on all judgments against the city; and such further sums as shall have been voted at an annual city election, or at a special city election called for the purpose, and also such other sums as the common council is authorized to expend for the purchase and improvement of real estate, by section eighty of this act.

§ 2. This act shall take effect immediately.

Chap. 272.

AN ACT to amend the charter of the city of Watervliet relative to the board of electric light commissioners.

Accepted by the city.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Subdivision four of section four of title four of chapter nine hundred and five of the laws of eighteen hundred

and ninety-six, entitled "An act to incorporate the city of Watervliet" is hereby amended to read as follows:

4. For defraying the expenses of maintaining and keeping in repair the entire electric light plant of said city and all necessary fixtures connected therewith, and for paying the wages of the employees of the electric light commissioners, and all other expenses incident to the operation of said plant, and to fulfill the terms of any contract or contracts entered into by the board of electric light commissioners, pursuant to law, to be designated the electric light fund, a sum not exceeding twelve thousand dollars.

Appropriation for maintaining electric light plant.

§ 2. Title eight of said act is hereby amended by adding thereto six new sections, to be numbered respectively, eight, nine, ten, eleven, twelve and thirteen, to read as follows:

§ 8. It shall be the duty of the board of electric light commissioners to examine and ascertain whether it would be practicable for and advantageous to the city to furnish light and electrical current for power and other purposes to individuals and corporations, from the municipal electric light plant, and if from such examination, the board determines that the city could profitably so furnish light and current from the present plant, or from the present plant perfected and enlarged, and, if necessary, to perfect and enlarge the same, the board shall then adopt a plan, and cause a careful estimate to be made of the sum required to perfect and enlarge the plant. A determination shall be made, a plan adopted, and the estimate completed within three months from the passage of this act, and the board shall have power to employ engineers, electricians and such other persons as shall be necessary for that purpose.

Electric light commissioners, duties of.

§ 9. The expense of the work and services hereinbefore directed, shall be a charge against the city of Watervliet, to be paid by the chamberlain, from the electric light fund, upon the warrant of the board of electric light commissioners. Upon the completion of the estimate provided for, the electric light commissioners shall, in writing notify the common council of the city of such fact, accompanying the same with a full statement of the proposed plan to enlarge the municipal electric light plant, and the estimated cost of the same. The common council, shall, within ten days thereafter, issue and call for a special election of the taxable inhabitants of the city, at which

Expense to be a charge against the city.

Special election.

Question
to be
submitted.

the question of accepting or rejecting the plan adopted by the electric light commissioners shall be voted upon. Provisions for said election shall be made, and said election shall be held and conducted in all respects in the manner provided for special elections for extraordinary taxes by section twenty-nine of title four of the charter of the city of Watervliet. A certificate in writing shall be signed by the inspectors of such election, and within forty-eight hours after such election, filed with the city clerk, whose duty it shall be to report the same to the common council at its first regular meeting thereafter. If the majority of the ballots cast at said special election of taxable inhabitants shall be in favor of the acceptance of the plan adopted by the board of electric light commissioners then the said board of electric light commissioners shall proceed to perfect and enlarge the municipal electric light plant, according to the plans and estimate hitherto adopted by them.

Bonds,
issue of.

§ 10. For the purpose of defraying the cost of perfecting and enlarging the municipal electric light plant, as herein provided, the bonds of the city of Watervliet, to such an extent as shall be necessary, the whole amount however, not to exceed fifty thousand dollars, shall be issued by the common council of said city. Said bonds shall be numbered consecutively, and shall be known as the "electric light bonds of the city of Watervliet." They shall be made of the amount of one thousand dollars each, with coupons attached, and bearing semi-annual interest at the rate of four per centum per annum, payable in June and December of each year. Said bonds shall be executed by the mayor, under the corporate seal of the city, and countersigned by the city clerk. All of said bonds shall be made payable not more than twenty years from the date of issue, and at such place or places as the common council shall by resolution direct. The common council shall by resolution, authorize the issue and sale of said bonds at such time or times and in such amount only, as the board of electric light commissioners shall request, and the common council are hereby authorized and directed to levy and collect the sum necessary, over and above the surplus earnings, if any, from the sale of electricity, to pay the principal and interest on said bonds as they mature, according to the provisions of section four, article four, of the charter of the city of Watervliet, and the common council, if necessary, may make a

Interest,
rate, and
when pay-
able.

Tax levy.

temporary loan or loans therefor, in anticipation of the tax levy.

§ 11. All work performed and materials furnished in perfect-
ing and enlarging the municipal electric light plant shall be
made under contract. Said electric light commissioners shall
advertise for sealed proposals for perfecting and enlarging said
plant, as herein provided, or a portion thereof, as the case may
be, and for the performance of all work and the furnishing of
all materials connected therewith, either under one entire con-
tract, or in parts under several contracts, as they shall deem
for the best interests of the city, and the board shall have full
discretion as to the acceptance or rejection of all sealed pro-
posals. No commissioners shall be in any way or manner inter-
ested, directly or indirectly, in furnishing any material or labor
for the perfection and enlargement of said plant, or in any con-
tract relating thereto.

§ 12. The board of electric light commissioners shall have
power, and they are hereby authorized to furnish light and
electrical current for illuminating, power, and other purposes,
to persons and corporations, from the municipal electric light
plant, when in the judgment of said board the plant possesses
the necessary requirements, and an income is assured from the
sale of electricity, sufficient to defray the expense of so furnish-
ing the same, and leave in addition a surplus to be applied to-
ward the payment of the bonds herein provided for, as the same
mature; and the board shall have power to employ engineers,
electricians and such other persons as shall be necessary to
furnish electricity as herein provided. Said board shall have
power, and is hereby authorized to establish uniform rates and
charges to persons and corporations purchasing electrical cur-
rent; and, subject to the requirement that the rates shall be so
fixed that the aggregate amount received therefrom shall be at
least sufficient to defray the expense of furnishing electricity,
and leave in addition a surplus to be applied as herein provided,
the board may, from time to time, either modify, amend, term-
inate, increase or diminish such rates, and demand and enforce
payment thereof, in the name of the city, and all sums of money
received by said board from the sale of light and electrical cur-
rent shall be paid over to the chamberlain and credited to the
electric light fund.

Determina-
tion of
board.

§ 13. If the board, however, from the examination provided for in this act, determines that it would not be advantageous to the city to enlarge the plant and furnish electricity as herein provided, the board shall then examine and ascertain as to whether the streets and public buildings in the city could be lighted by contract more economically than under the present system, and if the board shall so determine, the said board is hereby authorized to make contracts with any existing corporation for a period not exceeding five years in duration, from time to time, at an expense not exceeding twelve thousand dollars per annum, for supplying said city with electrical light whereby the streets and public buildings may be properly lighted; and in case of such contract, it shall be the duty of the common council of said city, upon notification from the board of electric light commissioners, of any such contract or contracts being made, to assess and levy the amount required for the fulfillment of the same in accordance with the provisions of section four, title four of the charter of the city of Watervliet.

Common
council,
duty of.

§ 3. This act shall take effect immediately.

Chap. 273.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," and the acts amendatory thereof, relating to general provisions as to the village boundaries and the village funds, known as the general fund and the highway fund.

Became a law, March 29, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Section two of title one of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," is hereby amended to read as follows:

§ 2. The boundaries of said village shall be as follows: Begin. Boundaries of village.
ning at a point in the westerly bank of the Champlain canal, over the center of the culvert under said canal, near the late residence of Lyman Dwight, deceased, and running thence due east to the center of the Hudson river; thence southerly, on and along the center of said river, to a point therein due east from the center of the mouth of the creek running under said canal, and thence through the farm occupied by John Hart, to said river; thence due west to the center of the mouth of said creek; thence westerly up said creek, on and along the center thereof, to the northerly side of the highway known as the Waterford and Whitehall turnpike; thence westerly, on and along the northerly side of said highway, to the westerly bank of said canal; thence northerly, on and along the westerly bank of said canal, to a point therein due east from a marble post set in the ground at the southeasterly corner of lands of Miss Martha Sears; thence due west to said marble post; thence westerly, on and along the southerly line of said Sears' lands, about three hundred and thirty-three feet, to the southeasterly corner of lands of William Leonard; thence northerly, in a straight line, to the center of the stump of a willow tree standing in the northwesterly corner of the old cemetery adjoining South street in said village; thence northerly, in a straight line, to the easterly line of lands of Mary L. Pruyn and Nellie K. Pruyn, at a point therein north, eighty-six and one-half degrees west, from the center of the easterly end of Chestnut street, where said street intersects Clement avenue—which street was laid out through lands owned by Louisiana Clement at her death; thence northerly, in a straight line, to a point in the inner angle of the highway, called Railroad street, near the residence and lands of Timothy E. Sheehan in said town of Halfmoon; thence northerly on and along the easterly side of said highway to the angle therein near the residence and lands of John Sheehan; thence northerly, on a course the same as the last above described line, to a point three hundred feet northerly from the northerly side of the highway called North street; thence easterly, on a line parallel with and three hundred feet northerly from the northerly side of said North street, to the westerly side of Viall avenue; thence along the westerly side of said Viall avenue north, one degree west, one hundred and

fifty-nine feet; thence north, twenty-eight degrees and twenty minutes east, five hundred twenty-eight feet to the southerly line of lands of A. Van Vechten, the same being also the division line between lands of Myron Hulin and lands of Mary V. Swartout and sisters; thence along said division line south, sixty-one degrees and fifteen minutes east, fifteen hundred and nine feet to the westerly line of lands of the Boston and Maine railway company, thence southerly along said line to a point three hundred feet northerly from the northerly side of North street; thence easterly, on a line parallel with and three hundred feet northerly from the north side of North street to the west bank of the canal; thence northerly, on and along the westerly bank of said canal, to the place of beginning.

§ 3. Subdivision thirty of section three of title five of said act, as amended by chapter one hundred and forty of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

Assessment
of highway
tax.

30. To raise annually by tax, to be assessed upon the estates, real and personal, within said village, such an amount of money, denominated highway tax, as they shall deem advisable, not exceeding the sum of three thousand dollars; and also to

Poll tax.

annually assess a poll tax of one dollar on each male inhabitant of the village, of the age of twenty-one years and upwards, which poll tax shall be collected as in this act provided. The highway tax and poll tax shall be paid to the treasurer and by him kept separate from all other moneys, and shall be denominated the highway fund.

§ 4. Subdivision thirty-one of section three of title five of said act, as amended by chapter one hundred and forty of the laws of eighteen hundred and ninety-seven, as amended by chapter four hundred and fifty-nine of the laws of nineteen hundred, is hereby amended to read as follows:

Annual
village tax.

31. To raise annually by tax, to be assessed upon the real and personal estate within said village, such an amount of money as they shall deem necessary, not exceeding the sum of three thousand dollars, which sum shall be expended by said trustees in liquidating the general expenses of said village. Such money shall be denominated the general fund.

Chap. 274.

AN ACT to authorize the holding of special terms of the supreme court in the cities of Jamestown and Olean.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The justices of the appellate division of the supreme court in the fourth judicial department may, in their discretion, in addition to the terms of the supreme court appointed by them to be held at the court houses in the counties of Chautauqua and Cattaraugus, appoint special terms of the supreme court, to be held at a designated place in the city of Jamestown in the county of Chautauqua, and in the city of Olean in the county of Cattaraugus, and assign justices to hold the same. At such special terms all business may be transacted and cases tried and heard which do not require the attendance of a jury.

Justices of the appellate division, fourth judicial department, authorized to hold special terms.

§ 2. This act shall take effect immediately.

Chap. 275.

AN ACT to authorize the state commission in lunacy to consent to the improvement and change of route of a highway across the lands of the Binghamton state hospital.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state commission in lunacy is hereby authorized to consent to the improvement pursuant to chapter one hundred and fifteen of the laws of eighteen hundred and ninety eight and the acts amendatory thereof and supplemental thereto, of an existing highway through, across or along the lands of the Binghamton state hospital, and, if in pursuance of such act it is deemed necessary or desirable to change the route of such highway, such commission may consent to such change of

Lunacy commission authorized to consent to improvements, etc.

route and to its location elsewhere on, across or along the lands of such hospital, notwithstanding the provisions of section fifty-four of the insanity law, as added by chapter twenty-six of the laws of nineteen hundred and two.

§ 2. This act shall take effect immediately.

Chap. 276.

AN ACT to authorize the Wallkill fire district to borrow money and issue bonds therefor for fire purposes.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisor
authorized
to borrow
money and
issue bonds.

Section 1. The supervisor of the town of Shawangunk in the county of Ulster, is hereby authorized and empowered to borrow on the faith and credit of the Wallkill fire district, the sum of four thousand dollars, for the purpose of purchasing apparatus for the extinguishment of fires, for the rent or purchase of suitable real estate and buildings for the keeping and storing of the same, and to procure supplies of water and for any and all purposes provided by section thirty-seven of the county law, as amended by chapter three hundred and twenty-nine of the laws of eighteen hundred and ninety-seven. For the purpose of securing the payment of the sum so borrowed, the supervisor of such town shall forthwith issue the bonds of said Wallkill fire district to an amount not exceeding four thousand dollars. Each of such bonds shall be of the denomination of one thousand dollars and shall bear interest at a rate not exceeding five per centum per annum. One of such bonds shall be payable on the first day of May, nineteen hundred and eight; one on the first day of May, nineteen hundred and nine; one on the first day of May, nineteen hundred and ten, and one on the first day of May, nineteen hundred and eleven. The interest on such bonds shall be payable on the first day of May, nineteen hundred and three, and on the same day in each year thereafter. Both the principal and interest thereof shall be payable at the office of the town clerk of the town of Shawangunk. Such bonds, both principal and interest thereof shall be

Bonds,
issue of.

Interest,
rate.

When
payable.

a lien upon all the taxable property both real and personal of said Wallkill fire district. Bonds to be a lien upon property.

§ 2. The bonds shall be sold by the supervisor of said town of Shawangunk at public auction to the highest bidder at not less than the par value thereof. The proceeds of the sale of said bonds shall be paid by the supervisor of said town to the treasurer of the said fire district, and shall be used and expended by the commissioners of said fire district for the uses and purposes mentioned in section thirty-seven of the county law as amended by chapter three hundred and twenty-nine of the laws of eighteen hundred and ninety-seven. Sale.
Proceeds, application of.

§ 3. There shall be included in the annual tax levy and collected on such fire district and the taxable property therein in the same manner at the same time and by the same officers as the taxes of the town in which the district is located are assessed, in the year nineteen hundred and three, and each and every year thereafter until the year nineteen hundred and eight a sum sufficient to pay the interest on said bonds and in the year nineteen hundred and eight and each year for three years thereafter a sum sufficient to pay one thousand dollars of the principal sum hereby authorized to be borrowed, together with interest on the principal sum and amount of said bonds remaining unpaid in each year. Tax levy.

§ 4. This act shall take effect immediately.

Chap. 277.

AN ACT to amend the public buildings law, in relation to the control of furniture, other personal property and fixtures in the public buildings of the state, at Albany.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section three of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-three, entitled "An act relating to public buildings, con- Act amended.

stituting chapter fourteen of the general laws," is hereby amended to read as follows:

Powers and
duties of
trustees.

2. Take all necessary measures for the careful preservation of the furniture and other personal property belonging to the state in such buildings. The furniture, other personal property and fixtures in such buildings, purchased with money appropriated by the state, shall be subject to the direction and control of such trustees, and shall not be sold, exchanged, given away, or removed from such buildings, except with the consent of such trustees, or with the consent of the superintendent of public buildings, acting under their direction.

§ 2. This act shall take effect immediately.

Chap. 278.

AN ACT to amend chapter thirty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to reorganize the village of Medina," in relation to the police department.

Became a law, March 29, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Section eight of title two of chapter thirty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to reorganize the village of Medina," is hereby amended to read as follows:

Police
justice,
election of.

Powers and
duties.

Term.

§ 8. A police justice shall be elected for a full term of four years at the first election under this act, who shall possess the same powers and authority in all criminal proceedings, and in taking acknowledgments and administering oaths as justices of the peace in the several towns of this state, and every fourth year thereafter a police justice shall be elected who shall hold his office for the term of four years, commencing on the first day of January next succeeding his election; and the police justice elected at the village election held March fourth, nineteen hundred and two, shall from and after the passage of this act, possess all the powers and perform all the duties conferred on such police justice by the charter of the village of Medina

as amended by this act; and shall be subject to all the provisions of said charter as hereby amended.

§ 2. Title five of such act as amended by chapter two hundred and seventy-seven of the laws of eighteen hundred and ninety-nine is hereby repealed, and a new title five is inserted to read as follows: Repeal.

TITLE V.

OF THE POLICE DEPARTMENT.

§ 1. The police justice shall have exclusive jurisdiction of all criminal and quasi criminal matters and complaints within the corporate limits of the village of which justices of the peace and courts of special sessions now have or shall hereafter have jurisdiction within the several towns of this state, except as hereinafter provided; of all cases of vagrants and tramps found or arrested within the village; of all offenses for violations of the charter of the village of Medina; of all violations of any by-laws or ordinances of said village; of all complaints against disorderly persons; of all cases where summary convictions may be had; of all actions brought by or in the name of the village of Medina for penalties or other matters of which justices of the peace would otherwise have jurisdiction, except that the same may be brought in a court of record; and concurrent jurisdiction with justices of the peace of other criminal cases. In reference to all such matters the said police justice shall have the same powers and shall proceed in the same manner and be subject to the same liabilities and limitations as justices of the peace of towns and courts of special sessions. Subject to the power of removal, as provided by the code of criminal procedure, for the removal of police justices, said police justice shall have the exclusive jurisdiction to try all persons brought before him accused of a criminal offense committed in the village of Medina, who shall be charged with any crime of the grade of misdemeanor, or any lessor degree, not punishable by imprisonment in the state prison, subject to the right of the defendant to a trial by jury, on his demand therefor, in all cases where the right of trial by jury exists by any law of this state. Such power of trial by said police justice shall not extend to any case where the party accused has the constitutional right of trial by a common law jury of twelve Police justice, jurisdiction of.

men, but in such cases he shall have the exclusive right of examination and commitment for such offenses committed in the village of Medina. Said police justice shall have the right to commit any person convicted before him to the common jail of the county of Orleans or to any penitentiary or workhouse with which the board of supervisors of Orleans county shall have a contract for keeping prisoners convicted in said county, or in which such convicted persons may be confined under any law of the state by justices of the peace or courts of special sessions. Trials and other proceedings in criminal matters had before said police justice, and appeals from his determination therein, shall be conducted in the manner provided in titles one and three of part five of the code of criminal procedure and any amendments that may be made thereto, except as herein otherwise provided. The judgments and determinations of him and of his court in other cases, shall be enforced and reviewed in the same manner as the judgments, and determinations of justices of the peace in like cases except as modified by this act. He may also administer oaths and take affidavits and acknowledgments of deeds and other papers. Nothing herein contained shall affect the jurisdiction of any judge or justice of a court of record in any criminal or quasi criminal proceeding. The board of trustees shall designate some justice of the peace residing in said village to discharge the duties of the office of police justice in case of the inability or disqualification of the said police justice, or his absence from the village, or in case of a temporary vacancy in the office of the police justice. Such designation shall continue for one year, unless sooner revoked by said board, but such justice of the peace so designated shall not be authorized to perform any act as police justice except during such disability, absence or vacancy, and except as to such cases as shall have been commenced before him during the existence of such disability, absence or vacancy. Such designation may be removed to the same or some other justice of the peace as occasion may require. Such justice of the peace, during the time of such disability, absence or vacancy, shall have the same power and authority, and shall perform all the duties of such police justice. He shall keep all records in the police docket, make out all accounts and be subject to all the limitations and restric-

Board of trustees shall designate some justice of the peace, etc., during absence of police justice.

tions as said police justice in the execution of the powers and authority conferred by this act on such police justice. Such justice of the peace, during the time he shall perform the duties of police justice, shall receive a proportionate share of the salary of the police justice, to be determined by the board ^{Salary.} of trustees and to be deducted from the salary of the police justice, but shall not be entitled to receive any other fee or reward whatever for any such service so performed by him, except as herein provided.

§ 2. Any person arrested for any criminal or quasi criminal ^{Persons arrested.} offense committed within the village of Medina, or for the violation of any by-law or ordinance thereof, and every tramp or vagrant arrested in the said village, as specified in the last section, shall be immediately taken before the said police justice to be dealt with according to law. If said police justice cannot be found, then the person so arrested may be detained, as provided in section nine of this title. It shall be the duty of the police justice to deliver all warrants or other process issued by him to the policemen of said village or to any con- ^{Policemen, powers of.} stable or the sheriff of the county of Orleans for service, and the said policemen shall have the same power and authority to execute any process so issued and delivered to them as constables of towns now have. No justice of the peace of the county of Orleans shall receive any fees, emolument or pay from any source whatever for the performance of any duties or the issuing of any process of which the said police justice by this act has exclusive jurisdiction; nor shall it be lawful for any justice of the peace of said county to make any charge against the said village, or the towns or the county in which the same is situated, for services rendered in or respecting criminal matters, proceedings, trials or examinations in such village, where the subject-matter thereof arose in said village, except as herein provided.

§ 3. When any person charged or complained against as a ^{Disorderly persons, how proceeded against.} disorderly person under any statute of this state, or as a disorderly person under the provisions of this act, shall be arrested and brought before such police justice, he shall proceed forthwith to hear and try and determine the complaint or charge upon which such person is so arrested, or he may in his discretion adjourn the hearing or trial, on cause shown, not to exceed

ten days, and in the meantime shall commit the accused to jail or take bail that the accused will appear on such adjourned day; and upon conviction of any such offender, either upon confession or competent testimony, the said police justice shall have full power, and he is hereby authorized to punish such offender by fine not exceeding fifty dollars, or by imprisonment in the county jail of Orleans county not exceeding six months, or by both such fine and imprisonment.

Penalties.

Disorderly
persons
defined.

§ 4. All habitual drunkards in said village; all persons who shall be intoxicated therein; all persons who shall indecently expose their persons in said village; all persons who shall by noisy, tumultuous or riotous conduct, disturb the quiet and peace of said village; all persons who shall wilfully give or assist in giving a false alarm of fire; all persons who shall use vulgar, profane or obscene language or conduct in any street or public place in said village; all persons who shall sell intoxicating liquors without license in said village; all persons who shall neglect or refuse to report cases of contagious or pestilential diseases in pursuance of the regulations of the board of health; all persons who shall be guilty of immoderate driving or racing horses on any of the streets of said village; all persons who shall have incited or induced dogs to fight in any street or public place in said village; or who shall permit any unmuzzled, ferocious dog to be at large in any street or public place; all persons who shall be guilty of using or shall use any threatening, abusive or insulting language, or behavior tending to provoke a breach of the peace, or whereby a breach of the peace may be occasioned; all persons who shall wilfully break, mar, injure or deface any building, fence, awning, sign, sign-board, tree, shrubbery or other thing, on any of the public property of said village; all persons who shall remove from or pile up before any door, or on any sidewalk or street, boxes, casks or other things, for the purpose of annoyance or mischief, or who shall wilfully tear down, destroy or mutilate any notice or hand-bill lawfully posted up in said village; all persons who shall wilfully rub or throw any liquid, ink or other substance, or any paint, missile or other thing upon or against any building or fence, or through any window in said village; all persons who shall have abandoned or shall neglect to provide for their families; all persons, who at the time of any fire in said village,

shall be guilty of any insubordination or any disorderly conduct, or shall attempt to obstruct the operation of the fire department, or to excite insubordination in others, or shall wilfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of proper officers, or who shall suffer or permit cattle, horses, sheep, swine, geese, or other animals to run at large in said village, in violation of any ordinance or regulation passed or adopted by the board of trustees, or who shall violate any penal ordinance or by-law of the said village, or any order or ordinance of the board of health thereof, shall be deemed, and are hereby declared to be, disorderly persons in said village, and shall be proceeded against and punished accordingly; and any person charged with any offense specified in this section, which is, by existing law, a crime or misdemeanor, may be proceeded against under the present or existing provisions of law, or under the provisions of this act before said police justice.

Disorderly persons, how proceeded against.

§ 5. All actions brought to recover any penalty or forfeiture incurred under this act, or under any ordinance or by-law made in pursuance thereof, shall be brought in the corporate name of said village, and in such action it shall only be necessary to allege in the complaint that the defendant is indebted in a sum, stating the amount and referring to the section or sections of this act, or of the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence; and the defendant may answer by denial, general or specific, and give the special matter in evidence. The president of the village, by virtue of his office, is hereby clothed with the power to institute and conduct all such actions in the said corporate name without having first obtained special direction of the board of trustees. The first process under the provisions of this act, or any ordinance or by-law made in pursuance thereof may be by warrant, and every such process shall contain an indorsement stating that the same is issued to recover a penalty and referring to the number of the sections of the law or ordinance or by-law under which the penalty is claimed and no other indorsement shall be necessary. All expenses incurred in proceedings for the recovery of any fine, penalty or forfeiture under this act, or any ordinance passed in pursuance thereof, shall be defrayed by the corporation, and all such fines, penalties, forfeitures and

Actions for penalties must be brought in corporate name of the village.

Answer.

President of village authorized to institute actions.

First process may be by warrant.

Indorsement.

Expenses defrayed by corporation.

Fines, etc.,
to be paid
to village
treasurer.

Execution,
what to
contain.

Complaint
without
probable
cause.

Subpoena
to issue on
request.

Disobedi-
ence there-
to, how
punished.

Salary of
police
justice.

Costs to be
paid to the
village
treasurer.

Office.

costs, when collected, shall be paid to the treasurer for the use of the village, except as herein otherwise provided. When judgment shall have been recovered for any such fine, penalty or forfeiture, the execution issued thereon shall direct that if the person or persons against whom the judgment shall have been recovered have no property whereof the judgment can be collected, such person or persons shall be imprisoned in close custody in the jail of Orleans county for a term to be specified in such execution not exceeding sixty days, and it shall be executed accordingly.

§ 6. Whenever, in the opinion of the police justice, a complaint shall have been made without probable cause, he may impose the cost and expenses of the proceeding upon the complainant, and enforce the collection thereof as in other cases.

§ 7. It shall be the duty of the police justice, whenever requested by the trustees or president of the village, to issue a subpoena requiring any person to appear before him to give evidence upon a complaint or charge for any offense committed, or supposed to have been committed, in the village, and said subpoena shall have the like effect, in all respects, and disobedience thereto shall be punished the same as if issued in an action pending before him; upon the return of such subpoena, such justice shall examine the witness or witnesses so subpoenaed on oath in relation to the supposed offense, and if it shall appear that any offense has been committed, he shall proceed thereon in the same manner as though such witnesses had voluntarily made complaint before him.

§ 8. The police justice shall receive a salary of six hundred dollars per annum, payable monthly upon his making his monthly report as herein provided. He shall not receive or retain any other fee whatever, except for taking affidavits and acknowledgments. And such costs as shall be collected in civil actions brought by the village to recover penalties for violations of this charter and the ordinances of the village, shall be collected and paid by him to the village treasurer. He shall reside and keep an office in the village and shall not hold any other village office. The board of trustees is hereby authorized and directed to raise the said sum of six hundred dollars for the salary of said police justice, in addition to the amounts authorized to be raised by them by any provision of the charter of the

village of Medina, without a vote of the taxable inhabitants of the village. The policemen shall be entitled to the same fees for their services as constables in the towns and cities of this state, together with such additional compensation for special or extra services or for services for which no fees are provided by law as the board of trustees shall deem proper.

Fees of
policemen.

§ 9. The trustees, the president of the said village and the policemen, and each and everyone of them respectively, shall have the power and are hereby authorized at any and all times, to arrest or cause to be arrested, with or without process, any person who may be found by them committing any crime or breach of the peace, or violating any of the ordinances or by-laws of said village. Every person so arrested shall be taken forthwith before the police justice herein provided. In case such police justice cannot be found, then the officer arresting such offender may detain him in custody or commit him to the common jail of Orleans county, or any other convenient and secure place, for safe keeping, not exceeding eighteen hours, until such police justice can be found, when such officer shall immediately bring such offender before such police justice, to be dealt with according to law. The said officers, or any of them shall have power to command assistance whenever it shall be deemed necessary, the same as constables of towns and with like effect.

Trustees,
president
and police-
men have
power to
make
arrests.

Person
arrested to
be taken
before
police
justice.

Officers
command
assistance.

§ 10. It shall be the duty of the board of trustees of said village to provide a docket, which shall remain the property of the village, for the use of the police justice, and the said police justice is hereby required to make and keep therein a complete record of all complaints and proceedings, civil and criminal, before him, commenced either with or without process, the date of such proceeding, the nature of the offense charged, what action was had thereon, and what disposition was made thereof, and all judgments, sentences and fines rendered or imposed by him, and whether collected, and of all moneys and costs collected or paid, together with a complete statement of the whole proceeding, and the time when each proceeding was had, and as to the final disposition made of the same. Said docket shall be subject to inspection at all times by any trustee or inhabitant of the village, or by any other person interested in the matters therein contained. The said police justice shall collect

Docket,
how kept.

Docket to
be subject
to inspec-
tion.

Fines, etc.
collection,
payment of

and receive all fines, fees and allowances that are by law collectable by justices of the peace or courts of special sessions in towns, or that may be imposed by him to enforce the provisions of this charter or any of the ordinances of this village. He shall immediately pay over to the treasurer of the village of Medina, all fines, penalties, costs and fees collected by him, except such as he shall be entitled to as herein provided, for the use and benefit of said village. He shall make to the board of trustees once a month, on one of the first three days in each month, under oath, a full and detailed tabular statement of all fines and fees, and collections made by him during the preceding month, and of all the convictions and complaints before him and what disposition was made thereof. It shall be the special duty of the president of the village to see that this report is made as herein required.

Monthly
verified
statement
etc., to be
made to
board of
trustees.

Fees.

§ 11. The same fees as are allowed by law to justices of the peace of towns and courts of special sessions in this state in criminal matters and proceedings, shall be allowed for the services of said police justice and acting police justice and be charged upon the county of Orleans, and the several towns in said county in the same manner and to the same extent as the fees of justices of the peace and courts of special sessions of towns are now or may hereafter be allowed to those officers and courts, respectively, for similar services, and paid to the village of Medina. The said police justice and acting police justice shall severally keep account of their fees for services performed by them in all such criminal matters and proceedings as are by law chargeable to the towns and counties of this state when performed by justices of the peace and courts of special sessions, in two classes, one of which shall comprise those fees and expenses which are by law, county charges, and the other such as by law are town charges; and it shall be their duty to make out an account of such fees and charges, in the name of the village, in the manner required by law for audit by the board of supervisors, by justices of the peace and courts of special sessions, which accounts shall be verified by them in the same manner and delivered to the board of supervisors of Orleans county at each annual session. The said board of supervisors shall audit the same and assess the amounts so audited upon the county and the several towns to which the same shall be

Fees
account,
how kept.

Assess-
ments.

chargeable, and the said amounts so audited and assessed, shall be collected and paid by the proper officers to the village of Medina.

§ 12. The trustees shall have power to appoint not to exceed three policemen, one of whom they shall appoint and designate chief of police, all and every one of whom upon executing and filing with the village clerk a bond approved by the trustees, as constables of towns are required to execute and file with the town clerk, shall possess the same powers and perform the same duties in all actions and proceedings, civil and criminal, arising in the bounds of said village and shall be subject to the same liabilities as town constables in the towns of this state. It shall also be the duty of such policemen to obey such orders as they may from time to time receive from the trustees or the president of the village, or the chief of police, regarding their duties; to report to the president all violations of the ordinances and by-laws of the village, with the names and residences of witnesses; to preserve the public peace; to attend all public assemblages in said village and preserve order, to be vigilant for the prevention and discovery of crimes and the detection of criminals, and to report to the president all crimes and offenses committed in the village; to arrest all persons discovered in the actual commission of crimes and breaches of the peace, and all vagrants or disorderly persons, without process; to execute all process issued by the police justice or justice of the peace; to report to the president all suspicious persons, houses of ill-fame, gaming or gambling houses and all places where idlers, tipplers, gamblers or other disorderly or suspicious persons may frequent or congregate, or any violation of this act; and to perform the duties of watchmen in said village whenever directed so to do by the trustees, the president or chief of police, and obey all rules and regulations which they may prescribe and establish for their government and discipline; and to perform such other duties from time to time as the trustees or president of the village may prescribe or direct. And the trustees may establish and maintain in said village a lock-up, station or watch-house, for this purpose, to be under the superintendence of the chief of police, and they may lease or purchase any building or premises which they may deem necessary or appropriate for that purpose.

Three policemen may be appointed.

Powers and duties of policemen.

Trustees may establish a lock up.

Penalty for neglect of duty.

§ 13. Any police justice or acting police justice or policeman, who shall be guilty of a willful violation of any of the provisions of this chapter, or of a willful neglect of duty therein imposed, shall be guilty of a misdemeanor.

Additional powers of police justice.

§ 14. The police justice shall possess such additional powers, not inconsistent with this act as are or may be conferred upon police justices of villages by any general statute of this state.

§ 3. Title eight of chapter thirty-nine of the laws of eighteen hundred and seventy-four, is hereby amended by adding a new section to be known as section thirteen-a, to read as follows:

Trustees may cause streets to be sprinkled.

§ 13-a. The board of trustees may cause a street or a part thereof to be sprinkled, and may assess the expense thereof, in whole or in part, upon the owners or occupants of the adjoining land.

§ 4. This act shall take effect immediately.

Chap. 279.

AN ACT to amend chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," and acts amendatory thereof, in relation to sinking funds.

Accepted by the city.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section seven of title eight of chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," as amended by section five of chapter two hundred and forty-two of the laws of eighteen hundred and eighty-seven is hereby amended so as to read as follows:

\$35,000 to be included for sinking fund.

§ 7. In addition to the interest on the city debt for the ensuing year, and such sums as are otherwise directed by law to be raised and paid into the general debt sinking fund, there shall be included in each city tax budget a sum to be fixed by the board of estimate and apportionment of the city of Albany,

and included in their annual estimate of the several sums of money which it deems necessary to be raised by tax to pay the expense of conducting the business of the city, and the various other purposes provided for by law, which sum shall not exceed thirty-five thousand dollars, and the same shall be raised by tax and shall be credited by the city comptroller on the first day of April thereafter, in the account kept by him of the said sinking fund and held and managed by said comptroller as provided for in section sixty-nine of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class."

To be
raised by
tax.

§ 2. This act shall take effect immediately.

Chap. 280.

AN ACT to amend the village law, relating to the purchase of road making machinery.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-eight of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," as amended by chapter three hundred and seventy-three of the laws of nineteen hundred, is hereby amended to read as follows:

Village law
amended.

§ 128. **Borrowing money generally.**—If authorized by an election, money may be borrowed by a village upon its bonds or other obligations, payable in future fiscal years for the purpose of purchasing, constructing and maintaining the following village improvements:

1. A village or town hall.
2. Fire engines and fire alarm system.
3. Laying out, grading or paving streets, and for the purchase of a steam roller, stone crusher and engine, and other road making machinery.
4. Sidewalks.
5. Bridges.

6. Water works.
7. Lighting system.
8. Sewerage.
9. Parks.
10. Cemeteries.

Money may be borrowed in anticipation of taxes already levied for the current fiscal year, but not in excess thereof, and it must be payable within such year. No contract shall be made involving an expenditure by the village, unless the money therefor is on hand, or a proposition has been adopted authorizing the board of trustees to raise such money. If a final judgment against a village exceeds one thousand dollars, money may be borrowed for the payment thereof on the adoption of a proposition therefor at a village election, and bonds or other obligations of the village may be issued for that purpose, payable in installments or otherwise as prescribed in section one hundred and twenty-nine of this chapter.

§ 2. This act shall take effect immediately.

Chap. 281.

AN ACT to authorize the city of Cohoes to borrow money for the purpose of better equipping its fire department, and to issue its bonds for the money so borrowed.

Accepted by the city.

Became a law, March 20, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
fire com-
missioners
authorized
to prepare
estimate,
etc.

Section 1. The board of fire commissioners of the city of Cohoes, is hereby authorized, immediately upon the passage of this act, to prepare and furnish an estimate or statement to the common council of said city, of the amount which they deem will be necessary for the better equipment of the fire department of said city, and for the purchase of such necessary implements and machinery and other necessary equipments for the purpose of enabling the fire department of said city to properly

discharge its duties. Such estimate or amount, however, shall not exceed the sum of twenty thousand dollars.

§ 2. It shall be the duty of the common council of said city, immediately upon the furnishing of the estimate and statement mentioned in section one of this act, to borrow upon the faith and credit of said city of Cohoes the sum of money specified in said estimate and statement, and to issue the bonds of said city therefor, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually. Said bonds shall be of the denomination of one thousand dollars each, and shall be payable at such times not exceeding twenty-five years, as the said common council shall determine. Said bonds shall be executed by the mayor and city clerk under the corporate seal of said city, and shall be negotiated by the chamberlain of said city, by selling the same at his office, at public auction, at not less than par value thereof. Said chamberlain shall give public notice of the time and place of any sale of said bonds by publishing a notice thereof at least fifteen days previous to such sale in such newspaper as shall be designated by the common council of said city.

Common council to borrow money and issue bonds.

Interest, rate, and when payable.

Bonds, by whom executed.

Publication of notice of sale of bonds.

§ 3. The amount of money so borrowed shall be set apart by the said chamberlain to the credit of the board of fire commissioners of said city, who shall expend the same for the purpose of equipping the fire department, as provided in section one of this act.

Money borrowed, how applied.

§ 4. It shall be the duty of the common council of said city, and they are hereby empowered, to cause to be raised yearly in each fiscal year from the time this act shall take effect, by tax upon the taxable property in said city, in the same manner as other city taxes are levied, and in addition thereto, a sum sufficient to pay the interest upon said bonds and the principal when and as the same shall become due and payable.

Tax levy.

§ 5. This act shall take effect immediately.

Chap. 282.

AN ACT to amend the penal code in relation to the sentencing of convicts to state prisons.

Became a law, March 29, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Penal code
amended.

Section 1. Section six hundred and eighty-seven-a of the penal code is hereby amended so as to read as follows:

§ 687-a. A person never before convicted of a crime punishable by imprisonment in the state prison, who is convicted in any court in this state of a felony, the maximum penalty for which, exclusive of fines, is imprisonment for five years or less, and sentenced to a state prison, shall be sentenced thereto under an indeterminate sentence, the minimum of which shall not be less than one year, or in case a minimum is fixed by law, not less than such minimum, and the maximum of which shall not be more than the longest period fixed by law for which the crime is punishable of which the offender is convicted. The maximum limit of such sentence shall be so fixed as to comply with the provisions of section six hundred and ninety-seven of the penal code. In any other case whenever any person, never before convicted of a felony, shall be convicted of a felony, other than murder or arson, the maximum penalty for which, exclusive of fines, exceeds five years' imprisonment in a state prison, the court may either pronounce a definite sentence for a fixed term as provided by law, or may in its discretion impose upon such person a sentence of imprisonment therein for an indeterminate term the minimum of which shall not be less than one year, or in case a minimum is fixed by law, not less than such minimum, and the maximum of which shall not be more than the longest period fixed by law for which the crime is punishable of which the offender is convicted. The maximum limit of such sentence shall be so fixed as to comply with the provisions of section six hundred and ninety-seven of the penal code.

Chap. 283.

AN ACT to amend the tax law, to provide for and authorize the appointment of a transfer tax clerk by the surrogate of the county of Dutchess and to provide for his compensation.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and thirty-four of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter three hundred and eighty-nine of the laws of eighteen hundred and ninety-nine and chapter one hundred and seventy-three of the laws of nineteen hundred and one, is hereby amended to read as follows:

Tax law
amended.

§ 234. Surrogates' assistants in Kings and certain other counties.—The surrogates of the counties mentioned in this section may appoint and at pleasure remove assistants as follows:

1. In the county of Kings, a transfer tax assistant at an annual salary of four thousand dollars, and a transfer tax clerk, at an annual salary of two thousand dollars; and shall be entitled to not more than five hundred dollars a year, for expenses necessarily incurred in the assessment and collection of taxes under this article.

2. In the county of Westchester, a transfer tax assistant, at an annual salary to be fixed by the surrogate, of not more than two thousand dollars.

3. In the county of Suffolk, a transfer tax clerk, at an annual salary of seven hundred and twenty dollars.

4. In the county of Oneida, not more than two transfer tax clerks, at an annual compensation to be fixed by the surrogate, of not more in the aggregate than twelve hundred dollars.

5. In the county of Ulster, a transfer tax clerk, at the annual salary, to be fixed by the surrogate, of not more than seven hundred and twenty dollars.

6. In the county of Onondaga, a transfer tax clerk, at an

annual salary, to be fixed by the surrogate, of not more than twelve hundred dollars.

7. In the county of Monroe, two transfer tax clerks, at an annual salary of seven hundred and fifty dollars each; and shall be entitled to not more than two hundred dollars a year for expenses necessarily incurred in the assessment and collection of taxes under this article.

8. In the county of Erie, a transfer tax clerk, at an annual salary of eighteen hundred dollars.

9. In the county of Albany, a transfer tax clerk, at an annual salary to be fixed by the surrogate, of not more than one thousand dollars.

10. In the county of Dutchess, a transfer tax clerk, at an annual salary, to be fixed by the surrogate, of not more than nine hundred dollars.

Such salaries and expenses shall be payable monthly by the state comptroller on the certificate and requisition of the surrogate of each of such county, accompanied by proper vouchers, out of any funds in his hands on account of taxes collected under this article.

§ 2. This act shall take effect immediately.

Chap. 284.

AN ACT to amend chapter thirty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine, in the town of Pomfret, a union free school district," in relation to the powers of the board of education, and the compensation of officers.

Became a law, March 29, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Subdivision seven of section sixteen of chapter thirty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine in the town of Pomfret a union free school district," as amended by chapter one hundred and eighty of the laws of eighteen hundred and

eighty-one and chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-seven is hereby amended to read as follows:

7. Said board of education is hereby authorized to ap- Board of education authorized to appoint one of its members, etc.
 point or elect at its annual meeting, one of its mem-
 bers as secretary thereof, who shall hold said office until
 his successor is duly appointed or elected by a majority of all
 the members constituting said board; also to make such rules
 and regulations as it deems best, for the appointment of a libra- Librarian.
 rian and to define the duties thereof; also to appoint at any
 time an assistant secretary of said board, who shall hold said Assistant secretary.
 office during the pleasure of said board, and who shall perform
 such duties as the board may designate and require in connec-
 tion with the schools or the board of education or with the su-
 perintendent of the schools. The salaries of said secretary and Salaries.
 assistant secretary, including the cost of making the annual
 tax roll and duties of the librarian, shall not exceed in the ag-
 gregate the sum of six hundred dollars, the sum to be deter-
 mined by said board of education.

§ 2. This act shall take effect immediately.

Chap. 285.

AN ACT to amend section five of the general corporation law, being chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, with respect to filing and recording certificates of incorporation, and to the corporate names of corporations.

Became a law, March 29, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of the general corporation law, being chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows: General corporation law amended.

§ 5. Filing and recording certificates of incorporation.—Every certificate of incorporation including the corporate name or

title and every amended or supplemental certificate, and every certificate which alters the provisions of any certificate of incorporation or any amended or supplemental certificate, hereafter executed shall be in the English language, and except of a religious, cemetery, moneyed, municipal or fire department corporation, shall be filed in the office of the secretary of state, and shall be by him duly recorded and indexed in books specially provided therefor, and a certified copy of such certificate or amended or supplemental certificate with a certificate of the secretary of state of such filing and record, or a duplicate original of such certificate or amended or supplemental certificate shall be filed and similarly recorded and indexed in the office of the clerk of the county in which the office of the corporation is to be located, or, if it be a non-stock corporation, and such county be not determined upon at the time of executing the certificate of incorporation, in such county clerk's office as the judge approving the certificate shall direct. All taxes required by law to be paid before or upon incorporation and the fees for filing and recording such certificate must be paid before filing. No corporation shall exercise any corporate powers or privileges until such taxes and fees have been paid.

§ 2. This act shall take effect immediately.

Chap. 286.

AN ACT to amend the stock corporation law, in relation to the reduction of the capital stock of an insurance corporation.

Became a law, March 29, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Stock corporation
law
amended.

Section 1. Section forty-six of chapter five hundred and sixty-four of the laws of eighteen hundred and ninety, entitled "An act in relation to stock corporations, constituting chapter thirty-eight of the general laws," as amended by chapter six hundred and eighty-eight of the laws of eighteen hundred and ninety-two, and chapter three hundred and fifty-four of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 46. Conduct of such meeting; certificate of increase or reduction.—If, at the time and place specified in the notice, the stockholders shall appear in person or by proxy in numbers representing at least a majority of all the shares of stock, they shall organize by choosing from their number a chairman and secretary, and take a vote of those present in person or by proxy, and if a sufficient number of votes shall be given in favor of such increase or reduction, or if the same shall have been authorized by the unanimous consent of stockholders expressed in writing signed by them or their duly authorized proxies, a certificate of the proceedings showing a compliance with the provisions of this chapter, the amount of capital theretofore authorized, and the proportion thereof actually issued, and the amount of the increased or reduced capital stock, and in case of the reduction of capital stock the whole amount of the ascertained debts and liabilities of the corporation shall be made, signed, verified and acknowledged by the chairman and secretary of the meeting, and filed in the office of the clerk of the county where its principal place of business shall be located, and a duplicate thereof in the office of the secretary of state. In case of a reduction of the capital stock, except of a railroad corporation or a moneyed corporation, such certificate shall have indorsed thereon the approval of the comptroller, to the effect that the reduced capital is sufficient for the proper purposes of the corporation, and is in excess of its ascertained debts and liabilities; and in case of the increase or reduction of the capital stock of a railroad corporation or a moneyed corporation, the certificate shall have indorsed thereon the approval of the board of railroad commissioners, if a railroad corporation; of the superintendent of banks, if a corporation formed under or subject to the banking law, and of the superintendent of insurance, if an insurance corporation. When the certificate herein provided for has been filed, the capital stock of such corporation shall be increased or reduced, as the case may be, to the amount specified in such certificate. The proceedings of the meeting at which such increase or reduction is voted, or, if such increase or reduction shall have been authorized by unanimous consent without a meeting, then a copy of such consent shall be entered upon the minutes of the corporation. If the capital stock is reduced, the amount of capital over and above the amount of the

reduced capital shall, if the meeting or consents so determine or provide, be returned to the stockholders pro rata, at such times and in such manner as the directors shall determine, except in the case of the reduction of the capital stock of an insurance corporation, as an alternative to make good an existing impairment.

§ 2. This act shall take effect immediately.

Chap. 287.

AN ACT to legalize and ratify the acts of the water commissioners of the village of Voorheesville in the county of Albany, in contracting indebtedness in the completion of its water works in excess of ten per centum of its assessed valuation for the year nineteen hundred; and to authorize said village to issue its bonds or obligations in a sum not to exceed four thousand dollars in liquidation of such indebtedness.

Became a law, March 31, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts of
water com-
missioners
legalized.

Contracts
declared
valid.

Village
authorized
to issue
bonds.

Section 1. The acts and contracts of the board of water commissioners of the village of Voorheesville, county of Albany, done and made during the year nineteen hundred and one in the completion of the village water works in excess of the amount for which bonds were authorized to be issued, by the proposition adopted at the annual village election held March nineteen, nineteen hundred and one, are hereby legalized, ratified and confirmed, and such contracts are hereby declared to be valid and legally binding obligations of said village. The said village is hereby authorized and empowered to issue its bonds or obligations in an additional sum not to exceed four thousand dollars to liquidate such indebtedness, and to purchase necessary apparatus and fixtures for fire protection in such village.

§ 2. This act shall take effect immediately.

Chap. 288.

AN ACT to amend the charter of the city of New Rochelle in relation to the office of comptroller.

Accepted by the city.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of article two of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the city of New Rochelle" is hereby amended to read as follows: Charter amended.

§ 10. City officers.—The officers of the city shall be a mayor, a police justice, a comptroller, a city treasurer, a city clerk, a receiver of taxes, three assessors, four supervisors, two justices of the peace, a corporation counsel, a city engineer, a superintendent of streets, one commissioner of charities, one health officer, five commissioners of health constituting the board of health, so many commissioners of deeds as may be deemed necessary by the common council, a superintendent of schools and nine members of the board of education, a chief engineer and a first and second assistant engineers of the fire department, a chief or captain of police, a sergeant of police, and not to exceed ten patrolmen, three police commissioners, three fire commissioners, three sewer commissioners, two aldermen from each ward, two constables.

§ 2. Section eleven of article two of said act is hereby amended so as to read as follows:

§ 11. Manner of choosing city officers.—Except as herein otherwise provided, the city officers shall be chosen as follows: the mayor, police justice, comptroller, city treasurer, receiver of taxes, three assessors, and two justices of the peace shall be elected by ballot of the electors of the city at large. Two aldermen shall be elected in each ward by ballot of the electors in each ward. The corporation counsel, city clerk, city engineer, superintendent of streets, commissioner of charities, commissioners of health, police commissioners, fire commissioners, sewer commissioners, constables,

and commissioners of deeds shall be appointed by the mayor, subject to the affirmative vote of at least one-half of the number of aldermen in office. The members of the board of education shall be appointed by the mayor without confirmation by the aldermen. The chief engineer and the first and second assistant engineers of the fire department shall be appointed by the board of fire commissioners. The superintendent of schools shall be appointed by the board of education. The health officer shall be appointed by the commissioners of health. The election officers required by law shall, except as otherwise herein provided, be chosen or appointed in the manner and for the term, and to possess the powers and perform the duties, prescribed by the provisions of existing general laws relating thereto. The electors of each ward shall elect one supervisor. All other officers and city employees shall be appointed or elected as hereinafter provided.

§ 3. Section twelve of article two of said act is hereby amended so as to read as follows:

§ 12. **Terms of office.**—Except as herein otherwise provided, the term of office of the mayor, police justice, comptroller, justices of the peace, receiver of taxes, assessors, supervisors, aldermen, health officer, city treasurer, corporation counsel, city clerk, city engineer, superintendent of streets, commissioners of deed, commissioner of charities, commissioners of health, and constables, shall be two years; of the chief engineer, first and second assistant engineers of the fire department, and superintendent of schools, one year; of the fire commissioners, police commissioners, sewer commissioners, and the members of the board of education, three years. All other appointees of the common council, or any city board, except as herein otherwise provided, shall be for one year or less than one year.

§ 4. Section seventeen of article two of said act is hereby amended so as to read as follows:

§ 17. **Compensation of city officers.**—The mayor, aldermen, police commissioners, fire commissioners, sewer commissioners, and members of the city board of health shall receive no compensation for their services. The annual salary of the police justice shall be fifteen hundred dollars; the annual salary of the city clerk shall be fixed each year by the common council at an amount not exceeding two thousand dollars; the annual salary

of the city treasurer shall be fifteen hundred dollars; the annual salary of the receiver of taxes shall be two thousand dollars; the annual salary of the comptroller shall be fifteen hundred dollars; the annual salary of the commissioner of charities shall be seven hundred dollars; the annual salary of the corporation counsel shall be fixed each year by the common council at an amount not exceeding two thousand five hundred dollars; the annual salary of each of the assessors shall be eight hundred dollars; the annual salary of the city engineer shall be fixed each year by the common council at an amount not exceeding eighteen hundred dollars; the annual salary of the superintendent of streets shall be fixed each year by the common council at an amount not exceeding fifteen hundred dollars; the annual salary of the health officer shall be fixed each year by the commissioners of health at an amount not exceeding one thousand dollars; the chief or captain of police shall receive a monthly salary of ninety dollars; the sergeant of police, a monthly salary of eighty dollars; the patrolmen, other than special policemen, a monthly salary not exceeding seventy-five dollars, to be fixed by the police commissioners; the commissioners of deeds shall receive the compensation now provided by law to be received by them. The supervisors, justices of the peace, city sealer of weights and measures and keeper of the public pound, respectively, shall be entitled to the same compensation for their services as the corresponding officers in the towns are entitled to receive for like services; the inspectors of election and such other officers as are authorized to be appointed by general law shall receive such compensation as is provided by general law, unless otherwise herein provided. No other appointive officer of the city shall be entitled to receive from the city any compensation for his services unless otherwise provided by this act or by general law.

§ 5. Article two of said act is hereby amended by adding a new section thereto to be known as section twenty-one, which shall read as follows:

§ 21. Comptroller.—The common council of the city of New Rochelle shall convene within two weeks after this act shall have become a law, and shall, in the same manner as vacancies are filled in elective offices other than by expiration of term, proceed to elect a resident citizen of said city to serve as comp-

troller thereof until the first day of January, nineteen hundred and four. The comptroller so elected, and his successors in office, shall, before entering upon the discharge of his duties, take and file the official oath in accordance with article thirteen of the constitution, and section ten of the public officers' law, and shall also execute and file a bond with two or more sureties or some solvent surety company of this state in such penal sum as may from time to time be fixed by the common council, not less however than the sum of five thousand dollars, in accordance with section sixteen of the statutory construction law, and sections eleven, twelve and thirteen of the public officers' law, and for omission so to do he shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections twelve, fifteen and twenty of the public officers' law; such bond shall be approved by the common council and filed with the city clerk.

§ 6. Article three of said act is hereby amended by adding thereto a new section to be known as section thirty-six-a, and which shall read as follows:

§ 36-a. General powers and duties of the comptroller.—The comptroller shall keep a separate account with every department of the city for which funds are especially raised by tax or by assessment for local or other improvements. All bills or claims that have been presented against the city to the common council, or any department, or any officer thereof, shall before action thereon be referred to the comptroller for examination and report. All warrants and drafts must be presented to the comptroller to be countersigned by him before they are paid from the city treasury. He may examine any person interested in any bill or claim against the city, or such persons as he may deem necessary, under oath or affirmation, to ascertain the correctness of such bills or claims, and he is hereby and for such purposes given the power to take oaths and affirmations within the said city to the same extent as commissioners of deeds in cities. He shall require all warrants or drafts presented to him for approval to state particularly against which funds said warrants or drafts are drawn, and he shall not at any time permit any moneys to be drawn from one account to pay the bills or warrants chargeable to any other account. The comptroller shall keep in a book for that purpose an ac-

count of each bill, draft or warrant countersigned or approved by him, stating to what specific fund the same is chargeable, and no moneys shall at any time be paid out by the treasurer unless the bill, draft or warrant therefor be first countersigned by the comptroller, except principal and interest upon the bonded debts and the revenue bonds of said city; and when any bonds or coupons are paid by the treasurer he shall immediately present them to the comptroller for cancellation. The comptroller shall on or before the tenth day of January in each year make and file a report and accurate detailed statement of the financial condition of the said city on the first day of January next preceding, showing the amount of the receipts and expenditures of the city during the previous fiscal year, the sources from which the funds of the said city have been derived, the persons by whom all moneys have been paid in and the persons to whom, and the funds from which all expenditures from the treasury during such year were paid; such account to be accompanied by a statement in detail showing the several funds belonging to the city, the amount drawn on each fund and its then present condition, when the same are payable, and the rate of interest on each. He shall also have power, and upon the written request of the mayor, or any alderman, or of any five taxpayers, shall examine into the financial condition of any department of the city government; and for such purposes may issue a subpoena and compel the production of any books or papers relating to said department, and examine under oath any witness he may deem necessary in relation thereto, as is heretofore provided for the examination of claimants. He shall also report the amounts that have been drawn from the several specific funds of said city and the general funds thereof and the balances remaining unpaid, if any, which may be applicable to the expenses of the current year, and such report of the comptroller shall be published in book form for distribution on or before the first day of March in each year. The comptroller shall also keep in a book for that purpose a list of all bonds and certificates of indebtedness that may be issued by the city, and said list shall at all times be open to the inspection of any citizen of the said city.

§ 7. The committee of the common council on auditing accounts and the office of clerk to said committee are abolished,

and the said committee shall forthwith turn over to the comptroller all records, papers and documents of or belonging to such committee, and all the powers and duties now possessed by said committee on auditing accounts shall be vested in the comptroller.

§ 8. All acts or parts of acts, general or special, inconsistent with this act, are hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 289.

AN ACT to amend the domestic relations law, in relation to the rights of married women.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Domestic
relations
law
amended.

Section 1. Chapter two hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the domestic relations, constituting chapter forty-eight of the general laws," is hereby amended by adding the following section to article three:

§ 30. Married woman's right of action for wages, et cetera.—A married woman shall have a cause of action in her own sole and separate right for all wages, salary, profits, compensation or other remuneration for which she may render work, labor or services, or which may be derived from any trade, business or occupation carried on by her, and her husband shall have no right or action therefor, unless she, or he, with her knowledge or consent, has otherwise expressly agreed with the person obligated to pay such wages, salary, profits, compensation or other remuneration. In any action or proceeding in which a married woman or her husband shall seek to recover wages, salary, profits, compensation or other remuneration for which such married woman has rendered work, labor, or services, or which was derived from any trade, business or occupation carried on by her or in which the loss of such wages, salary, profits, compensation or other remuneration shall be an item of damage

claimed by a married woman or her husband, the presumption of law in all such cases shall be that such married woman is alone entitled thereto, unless the contrary expressly appears.

§ 2. The foregoing section shall not affect any right, cause of action or defense existing before the date when this act shall take effect.

§ 3. This act shall take effect immediately.

Chap. 290.

AN ACT to change the corporate name of the American deposit and loan company to the equitable trust company of New York.

Became a law, April 2, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the "American Deposit and Loan Com-
pany," a corporation incorporated and doing business under
chapter six hundred and four of the laws of eighteen hundred
and seventy-one, as amended by chapter five hundred and fifty-
seven of the laws of eighteen hundred and ninety-five and by
chapter eight hundred and thirty-nine of the laws of eighteen
hundred and ninety-six, is hereby changed to "The Equitable
Trust Company of New York."

Corporate
name
changed.

§ 2. This act shall take effect on the first day of May, nine-
teen hundred and two.

When act
takes effect.

Chap. 291.

AN ACT to amend the code of civil procedure, in relation to the exemption from jury duty of telegraph operators.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision ten of section ten hundred and thirty
of the code of civil procedure is hereby amended to read as
follows:

Code of
civil
procedure
amended.

10. A superintendent, conductor, or engineer, employed by a railroad company, other than a street railroad company; or an operator or assistant operator, employed by a press association or a telegraph company; who is actually doing duty in an office, or along the railroad or telegraph line of the company or association, by which he is employed.

§ 2. Subdivision eight of section ten hundred and eighty-one of the code of civil procedure is hereby amended to read as follows:

8. A superintendent, conductor, or engineer, employed by a railroad company, other than a street railroad company; or a telegraph operator employed by a press association or a telegraph company, who is actually doing duty in an office or along the railroad or telegraph line of the company or association by which he is employed.

§ 3. Subdivision seven of section eleven hundred and twenty-seven of the code of civil procedure is hereby amended to read as follows:

7. A superintendent, conductor, or engineer, employed by a railroad company, other than a street railroad company; or a telegraph operator, employed by a press association or a telegraph company, who is actually doing duty in an office, or along the railroad or telegraph line, of the company or association, by which he is employed.

When act
takes effect.

§ 4. This act shall take effect September first, nineteen hundred and two.

Chap. 292.

AN ACT to amend the forest, fish and game law, relative to fishing through the ice in the waters of the town of North East in Dutchess county.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Game law
amended.

Section 1. Section fifty-nine of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 59. Exceptions to last section.—Bullheads, catfish, eels, perch and sunfish, and except during the months of March and April, pickerel may be taken through the ice with a hook and line or tip-ups in the waters of the town of North East, Dutchess county, not inhabited by trout, Lake Keuka, or Crooked lake, Queechy lake, or the waters of Sullivan county not inhabited by trout and in Lake Neatahwanta, Oswego county; in Owasco lake from the head thereof to a line running across the lake from a ravine just south of the cottage now owned by E. C. Pulver on the west shore to the ravine just north of the cottage now owned by James Foster on the east shore thereof; and in Honeoye lake, Canadice lake and Conesus lake except in March and April; and by set lines through the ice in the Susquehanna river and in the Chenango and Unadilla rivers and their tributaries in Chenango county and in the Tioughnioga and Otsego rivers in Broome county during the same time.

§ 2. This act shall take effect immediately.

Chap. 293.

AN ACT to amend subdivision three of section forty-six of the legislative law relative to the distribution of session laws.

Became a law, April 2, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section forty-six of the legislative law is hereby amended so as to read as follows: Legislative law amended.

3. One copy to each of the following officers: Each town clerk, for the use of the town; each district attorney, the clerk of each board of supervisors, for the use of the board; each surrogate, except where the county judge acts as surrogate, for the use of the surrogate's court; to the county treasurer of each county; each jury commissioner, in counties in which the office of jury commissioner has been created; to the mayor of each city, for the use of the city; and to each village clerk. Every such officer shall deliver such copy of the session laws to his successor in office. Distribution of session laws.

§ 2. This act shall take effect immediately.

Chap. 294.

AN ACT to provide for the licensing of dogs in cities of the second class, for the care and protection of lost, strayed and homeless dogs, for securing and protecting the rights of the owners thereof, and for the protection of the public.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. License fee.

2. Unlicensed dogs not to be owned or to run at large.
3. Licenses, by whom granted.
4. Description of dog.
5. Collar to be worn.
6. Record of license.
7. Term and renewal of license.
8. Seizure of unlicensed dogs.
9. Possession of dog, how resumed.
10. Person harboring dog deemed owner.
11. Mayor may prohibit dogs from running at large.
12. Interference with officer or other person.
13. Dog kennels.
14. Contracts for seizing and impounding dogs.
15. Violation of act, how punished.
16. Act not to apply to certain dogs.
17. Repeal.
18. When to take effect.

Section 1. License fee.—Every person who owns or harbors any dog within the corporate limits of any city of the second class who desires to maintain or preserve any right of property in such dog must procure yearly a license for the dog so owned or harbored and shall pay therefor the sum of one dollar.

§ 2. Unlicensed dogs not to be owned or to run at large.—It shall be unlawful hereafter for any dog to be owned, possessed or harbored, or to run or be at large in any of the streets, alleys, parks or public places within the corporate limits of any

city of the second class, without being duly licensed and wearing the metal tag as herein provided.

§ 3. Licenses; by whom granted.—The license shall be granted upon application to the city clerk, shall be signed by the mayor's clerk and shall continue in force until the first day of May next ensuing after its issue. Every person receiving such license shall pay the license fee hereinbefore mentioned to the city clerk, who shall daily deposit the sums of money so received with the treasurer of the city.

§ 4. Description of dog.—In applying for such license, the owner shall state in writing the name, sex, breed, age, color and marking of the dog for which a license is to be procured.

§ 5. Collar to be worn.—Every dog so licensed must wear around its neck a collar to which shall be attached a metal tag, distinctly marked with the year in which the same is issued, and a number designated by the city clerk, which number shall be stated in the license granted. Such metal tag shall be furnished by the city, and the use of any other tag as a substitute therefor shall be a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than fifty days, or by both such fine and imprisonment.

§ 6. Record of licenses.—The city clerk shall keep in a book to be provided for that purpose a record of all dog licenses granted, with the name and residence of the person to whom issued, and the number designated upon the metal tag furnished therewith.

§ 7. Term and renewal of license.—Licenses granted under the provisions of this act shall date from the first day of May in each year, and must be renewed on expiration by the payment of one dollar for each renewal. The certificate of license or renewal shall be granted upon a similar application to that made in applying for the original license, and shall state the name and address of the owner of the dog and also the number of such license or renewal. No license shall be transferred without the consent of the city clerk endorsed thereon.

§ 8. Seizure of unlicensed dogs.—It shall be lawful for any peace officer or any person duly authorized in writing by the mayor or for the poundmaster or any of his duly authorized

assistants, or for the duly authorized representatives of a person or corporation under contract with the city, to capture, seize and deliver to the public pound or any suitable place, to be approved by the mayor any dog found running at large in any of the streets, alleys, parks or public places within any city of the second class, not licensed, and not wearing the metal tag as provided by this act.

§ 9. Possession of dog, how resumed.—Any dog so seized and impounded may be redeemed by any person producing the license thereof, and proving ownership of such dog within seventy-two hours after such seizure and impoundage. If it shall be shown that the license so produced was issued prior to the time when such dog was so seized or impounded, no payment shall be exacted for the return of the dog; otherwise, before the owner shall be permitted to resume possession of the said dog, he shall pay the sum of two dollars to the city clerk who shall thereupon issue an order directing the return of such dog to the owner. All sums of money so received shall be deposited with the city treasurer in like manner as the license fees hereinbefore provided for. If the owner of a dog seized or impounded under the provisions of this act does not resume its possession by compliance with the foregoing provisions within seventy-two hours after the seizure and impounding thereof he shall forfeit, all right of property in such dog.

§ 10. Person harboring dog deemed owner.—Any person owning or harboring a dog for three consecutive days shall be deemed to be the owner thereof.

§ 11. Mayor may prohibit dogs from running at large.—Whenever the mayor of any city of the second class shall deem it necessary for the protection of the public, he shall issue an order prohibiting for a certain time therein specified, any or all dogs from running at large in any public street or place within such city, unless such dogs be securely muzzled or led by a line or chain, so as to effectually prevent them from biting any person or animal. Such order shall be published in the official newspapers of the city for such time as such mayor shall deem necessary.

§ 12. Interference with officer or other person.—No person shall molest or interfere in any way with any peace officer, poundmaster or any of his duly authorized assistants, or with

the duly authorized agents of any person or corporation under a contract with a city while engaged in performing work under the provisions of this act. A violation of the provisions of this section shall be a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, or by imprisonment for not less than twenty-five days, or by both such fine and imprisonment.

§ 13. Dog kennels.—The poundmaster, under the direction of the mayor of any city of the second class shall have power to construct a suitable building for a dog pound and shelter for lost, strayed or homeless dogs, the cost of which shall be paid from the license fees collected under the provisions of this act.

§ 14. Contracts for seizing and impounding dogs.—The mayor of any city of the second class instead of authorizing the construction of a building as provided in the last section may, in his discretion, contract with an incorporated society for the prevention of cruelty to animals having jurisdiction in such city, for the capture and impoundage of all unlicensed dogs, and for the maintenance of a shelter for lost, strayed or homeless dogs therein, provided, however, that the compensation to be paid to such person or corporation by such contract shall not exceed in any one year the amount collected by the city from the payment of license fees during the current year for which such contract is made. The mayor may prescribe in the contract the manner in which the work is to be done and in which payments are to be made by the city thereunder and may also direct the disposition to be made of any and all dogs seized pursuant to the provisions of this act. The mayor shall also have power to order the destruction of any dog which he may deem dangerous or vicious, whether licensed or not, after three days written notice to and an opportunity to be heard by the owner of such dog.

§ 15. Violation of act, how punished.—Any person violating any of the provisions of this act, for which no other penalty is provided, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five nor more than ten dollars, or by imprisonment for not less than five nor more than ten days, or by both such fine and imprisonment.

§ 16. Act not to apply to certain dogs.—The provisions of this act shall not apply to dogs owned by non-residents passing

through any city of the second class, nor to dogs brought to any such city and entered for exhibition at any dog show.

§ 17. Repeal.—All laws and the city ordinances of any city of the second class inconsistent with the provisions of this act are hereby repealed.

When act
takes effect.

§ 18. When to take effect.—This act shall take effect on the first day of April, nineteen hundred and two.

Chap. 295.

AN ACT to amend the personal property law, relative to investment of trust funds.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Personal
property
law
amended.

Section 1. Section nine of chapter four hundred and seventeen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to personal property, constituting chapter forty-seven of the general laws" is hereby amended to read as follows:

§ 9. Investment of trust funds.—An executor, administrator, guardian, trustee or other person holding trust funds for investment may invest the same in the same kind of securities as those in which savings banks of this state are by law authorized to invest the money deposited therein, and the income derived therefrom, and in bonds and mortgages on unincumbered real property in this state worth fifty per centum more than the amount loaned thereon.

§ 2. This act shall take effect immediately.

Chap. 296.

AN ACT to amend the Indian law, in relation to the erection of poles and wires on the Tonawanda reservation.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to Indians, constituting chapter five of the general laws," is hereby amended by adding at the end of article five a new section to be section eighty-nine thereof and to read as follows:

Indian law
amended.

§ 89. Poles and wires on reservation.—Any company may erect poles and wires, and other necessary fixtures thereto, across the lands of the Seneca Indians on the Tonawanda reservation, provided the company shall pay to the Indians to whom allotments have been made, and on whose premises telephone or telegraph poles for the purpose of supporting wires, have been or may hereafter be erected, damages therefor, in case of inability to agree thereon, to be ascertained in the manner provided in the condemnation law by commissioners to be appointed by the supreme court in the manner provided by said condemnation law. And in case the poles are erected on lands that have not been allotted to any Indian, then the said company shall pay a like sum to the district attorney of Genesee county, who shall distribute the same in accordance with the provisions of section eighty-five of article five of the Indian law. And in case any company may have already erected poles, or in case any company may hereafter erect poles without paying therefor in accordance therewith, then the said Indians are authorized to maintain actions of ejectment against the company therefor, in the same manner as citizens of this state, and as if they were owners in severalty of the lands so allotted to them. In case the lands are not allotted, then such an action may be prosecuted in the name of the Tonawanda band of Seneca Indians. The provisions of this act shall not apply to the existing lines of any such company which has heretofore

obtained the consent of said Seneca Indians to the erection of such existing lines and shall have paid a valuable consideration for the same, so far as such existing lines have been erected upon lands that have not been allotted.

§ 2. This act shall take effect immediately.

Chap. 297.

AN ACT to amend the insurance law, in relation to partnerships or associations known as Lloyds or as individual underwriters.

Became a law, April 2, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Insurance
law
amended.

Section 1. Section fifty-seven of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," is hereby amended so as to read as follows:

§ 57. Application of article limited.—The provisions of this article shall not apply to the corporations specified in articles seven and nine of this chapter, or to any town or county co-operative insurance corporation incorporated under any special act of the legislature, for purposes similar to those for which corporations may be formed under article nine, nor to any corporation, subject to the supervision of or required by or in pursuance of law and to report to the superintendent of the banking department, nor to any individual or partnership or association of underwriters known as Lloyds or as individual underwriters which, on the first day of October, eighteen hundred and ninety-two, was lawfully engaged in the business of insurance within this state and not required by law to report to the superintendent of insurance or the insurance department or subject to their supervision or examination, nor to any such association, notwithstanding any change hereafter made therein by the death, retirement or withdrawal of any of such underwriters or by the admission of others to such asso-

ciation. Every partnership or association of underwriters known as Lloyds or as individual underwriters which, on the first day of April, nineteen hundred and two, is lawfully engaged in the business of insurance in this state, or which may be lawfully entitled to engage in the business of insurance in this state, shall file with the superintendent of insurance, on or before the first day of September, nineteen hundred and two, a copy of its original articles of association or copartnership agreement, together with any amendments thereto, verified by the affidavit of one of the members of such association or copartnership, to the effect that the same is a true copy of such original articles of association or copartnership agreement and of such amendments; and stating where the principal office of such copartnership or association is located; and also stating the kind or kinds of business in which it is engaged, and the name or names under which it is or has been doing business. It shall not be lawful for any such association or copartnership to engage in or transact the business of insurance, after September first, nineteen hundred and two, unless it has complied with the foregoing provision.

§ 2. This act shall take effect immediately.

Chap. 298.

AN ACT to amend subsection nine of section one of chapter five hundred and ninety-one, relating to the division of the state into congressional districts.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Ninth district.—That portion of the second assembly district of the county of New York, bounded on the north by Division street from Catherine street to Market street; on the south by Monroe street from Catherine street to Market street; on the east by Market street from Division street to Monroe street; on the west by Catherine street from Division street to Monroe street; that portion of the fourth assembly district of the

Boundaries
of ninth
congress-
ional dis-
trict.

county of New York, bounded on the north by Division street from Market street to Montgomery street; on the south by the East river, from Market slip to Clinton street; on the east by Montgomery street from Division street to Henry street, to the southwest corner of Henry street and Montgomery street, running diagonally through the middle of said block, to the northeast corner of Madison street and Clinton street, south to Clinton street and the East river, on the west by Market street from Division street to Monroe street, east to Mechanic alley west to Market slip and south to the East river; that portion of the eighth assembly district of the county of New York bounded as follows: on the north by Stanton street from Chrystie street to Ludlow street; on the south by Division street from Chrystie street to Norfolk street; on the east by Ludlow street from Stanton street to Broome street, east to Norfolk street, Norfolk street from Broome street to Division street; on the west by Chrystie street from Stanton street to Division street; that portion of the tenth assembly district of the county of New York, bounded on the north by Stanton street, from Ludlow street to Clinton street; on the south by Broome street from Ludlow street to Norfolk street, north to Rivington street, east to Clinton street, on the east by Clinton street, from Stanton street to Rivington street, west to Norfolk street, south to Broome street; on the west by Ludlow street from Stanton street to Broome street; that portion of the twelfth assembly district of the county of New York, bounded on the north by Rivington street, from Norfolk street to Cannon street, on the south by Division street, from Norfolk street to Pitt street, north to Grand street, east to Sheriff street, north to Broome street, east to Cannon street; on the east by Cannon street, from Rivington street to Broome street; on the west by Norfolk street, from Rivington street to Division street; that portion of the sixteenth assembly district of the county of New York, bounded on the north by Stanton street, from Clinton street to Cannon street; on the south by Rivington street, from Clinton street to Cannon street; on the east by Cannon street, from Stanton street to Rivington street; on the west by Clinton street, from Stanton street to Rivington street, shall compose the ninth district. The boundaries of said ninth district are as follows: Beginning at the East river and Market slip, north to

Cherry street, east to Mechanic alley, north to Monroe street, west to Catherine street, north to Division street, east to Chrystie street, north to Stanton street, east to Cannon street, south to Broome street, west to Sheriff street, south to Grand street, west to Pitt street, south to Division street, to Montgomery street, south to southwest corner of Henry and Montgomery street, diagonally through the middle of said block to the northeast corner of Madison street and Clinton street, south to South street at East river, thence along the East river to the point or place of beginning.

Chap. 299.

AN ACT to amend the forest, fish and game law relative to fines and penalties for violation of article three of the forest, fish and game law.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-nine of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forest fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

Game law
amended.

§ 69. Penalties.—A person who violates any of the provisions of this article is guilty of a misdemeanor and in addition thereto is liable as follows: For each violation of section forty-three in relation to waters inhabited by trout, of section fifty-two and fifty-three in relation to polluting streams, section fifty-four relating to drawing off water, section fifty-six in relation to explosives, section sixty in relation to transportation of fish, section sixty-three in relation to the use of nets and angling and section sixty-six in relation to thumping, a penalty of sixty dollars for all other violations of said article a penalty of twenty-five dollars and an additional penalty of ten dollars for each fish taken or possessed in violation thereof.

§ 2. This act shall take effect immediately.

Chap. 300.

AN ACT to permit and empower the trustee of the relief fund of the fire department of the city of New York to grant a future pension to Mary Bowen, the foster mother of Peter F. Bowen, a deceased fireman.

Accepted by the city.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Fire commissioner authorized to grant a future pension.

Section 1. The fire commissioner of the city of New York as trustee of the relief fund of the said fire department is hereby empowered and authorized, if in his discretion he deems the same proper, to grant a future pension to Mary Bowen, the foster mother of Peter F. Bowen, a member of the fire department of the city of New York of the first grade, who lost his life while actually engaged in the performance of his duty at a fire on the twenty-ninth of March, nineteen hundred, the same as if the said Peter F. Bowen, deceased, had been the child of the said Mary Bowen.

§ 2. This act shall take effect immediately.

Chap. 301.

AN ACT to amend chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the construction and maintenance of bridges over the waters between cities and towns or incorporated villages in said towns," as amended by chapter five hundred and ninety-one of the laws of eighteen hundred and ninety-eight and by chapter two hundred and thirty-two of the laws of eighteen hundred and ninety-nine, relating to city and town bridge bonds.

Became a law, April 2, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section four of chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-seven, entitled "An

act to provide for the construction and maintenance of bridges over the waters between cities and towns or incorporated villages in said towns," as amended by chapter five hundred and ninety-one of the laws of eighteen hundred and ninety-eight and by chapter two hundred and thirty-two of the laws of eighteen hundred and ninety-nine, is further amended as follows:

§ 4. In order to pay for the said bridges the city and town shall each have power to issue bonds to be known as bridge bonds of the said city and town, respectively, by the officers thereof, and in the manner provided by law for the issue of other bonds of said city and of said town, to an amount necessary to pay their respective proportions of the said bridges, which shall be borne by said city and town in the proportion of their equalized assessed valuation of taxable property, at the time of the final resolution of said city and town authorizing the construction of the said bridges. The total amount of such bonds to be issued by the city shall not exceed seventy-five thousand dollars, or by a town twenty thousand dollars. Said bonds shall not be sold for less than the par value thereof, and accrued interest, if any; shall mature and be payable at a time not over thirty years from date; be of such denomination and bear such interest, not to exceed five per centum per annum, as the common council of the city, in case of a city; or the town board, in case of a town, shall determine. The proceeds of said bonds shall be paid to the proper officer for receiving funds of each municipality, and credited to a fund which shall be known as the bridge fund, and shall only be paid out by warrants as other funds of said city or town are paid out.

Issue and
sale of
bridge
bonds.

Application
of proceeds.

§ 2. This act shall take effect immediately.

Chap. 302.

AN ACT to amend the code of criminal procedure, relative to commitment of prisoners.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine hundred and three of the code of criminal procedure is hereby amended so as to read as follows:

Code of
criminal
procedure
amended.

§ 903. Certificate to constitute record of conviction, and to be filed; commitment thereon.—The magistrate must immediately cause the certificate, which constitutes the record of conviction, to be filed in the office of the clerk of the county, and must, by a warrant signed by him with his name of office, commit the defendant to the county jail, or in the city of New York, to the city prison or penitentiary of that city, or in the county of Kings, to the penitentiary of that county, or in the county of Monroe, to the penitentiary of that county, for not exceeding six months at hard labor, or until he gives the security prescribed in section nine hundred and one.

§ 2. This act shall take effect immediately.

Chap. 303.

AN ACT to amend the forest, fish and game law, relative to spearing fish in the Niagara river.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Game law
amended.

Section 1. Section seventy-one of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter six hundred and fifty-two of the laws of nineteen hundred, is hereby amended to read as follows:

§ 71. Fishing in Niagara river.—When licensed by the commission, seines may be used in the Niagara river in November, December, January and March to take fish, except black bass and muskallonge. Fish except black bass, yellow pike, lake trout, white fish, pickerel and muskallonge may be taken by seine, machine or trap by citizens of the state in that part of the Niagara river in the town of Lewiston, Niagara county, during the time when Canadians may lawfully fish with such devices in said river on the Canada side opposite the town of Lewiston, provided a license therefor has been granted by the commission. The commission shall, on the execution of a satisfactory bond, conditioned for the payment to the people of the

state of the sum of one hundred dollars, if the holder of the license shall violate any of the provisions of this chapter as to Niagara river, while the license is in force, and upon the payment of five dollars for each seine, machine or trap license, grant such a license, unless the applicant has been convicted of violating a provision of this act, or his bond adjudged forfeited. Fish which may not be lawfully taken under the provisions of this section, shall, if unintentionally taken, be immediately returned to the water alive and without unnecessary injury. Fish which may be lawfully taken with nets may be speared between the falls of Niagara and the north line of the village of Lewiston.

§ 2. This act shall take effect immediately.

Chap. 304.

AN ACT to amend the forest, fish and game law in relation to use of nets to catch fish in certain waters of Jefferson county.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-three of chapter twenty, of the laws of nineteen hundred, the title to which is "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws" as amended by chapter six hundred and fourteen of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

Game law
amended.

§ 73. Nets in Lakes Ontario and Erie.—Fish may be taken with nets, in the waters of Lake Erie except within one-half mile of the shores or islands thereof, and within five miles of the mouth of Cattaraugus creek; and in Lake Ontario except within one mile of the shores or islands thereof and within three miles of the mouth of the Niagara river; but in the county of Erie pound nets, trap nets or fyke nets shall not be used. Sturgeon, less than three feet long taken under this section, shall be at once returned to the waters where taken, alive

and without unnecessary injury. Black bass must not be taken with nets in the waters of Jefferson county. Fishermen licensed to fish in said lakes may hang or reel licensed nets on the shores thereof to clean and dry the same.

§ 2. Section seventy-four of said chapter twenty of the laws of nineteen hundred is hereby amended so as to read as follows:

§ 74. Nets in Chaumont bay and adjacent waters.—The waters and bays of Lake Ontario, in the county of Jefferson, within one mile of the shore, between Horse island, in the town of Hounsfield, and the town line between the towns of Lyme and Cape Vincent, except the waters within one mile of Stony island, Calf island or of the Galloup islands, are so far excepted from the provision of this act as to permit the taking of fish by nets therein from October first to April thirtieth, provided that a net shall not be set until license therefor has been granted by the commission. The commission shall on the execution of a satisfactory bond, conditioned for the payment to the people of the state of the sum of one hundred dollars if the holder of the license shall violate any of the provisions of this section as to black bass or muskallonge while the license is in force, grant such a license and may license the use of sturgeon nets of not less than five inch bar at any time or of hoop or fyke and trap nets during the month of May unless the applicant has been convicted of violating this section or his bond adjudged forfeited. The license fee shall be one dollar for a net, and a single license may be for five nets. All black bass and muskallonge caught in nets set pursuant to this section shall be immediately returned to the water alive, and without unnecessary injury.

§ 3. This act shall take effect immediately.

Chap. 305.

AN ACT to amend chapter one hundred and fifty-two of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the use of bicycles on side-paths, for licensing bicycles, for the appointment of side-path commissioners, and to provide for the construction, maintenance, regulation, preservation and shading of side-paths," relative to the powers of deputy sheriffs.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter one hundred and fifty-two of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the use of bicycles on sidepaths, for licensing bicycles, for the appointment of sidepath commissioners, and to provide for the construction, maintenance, regulation, preservation and shading of sidepaths," as amended by chapter six hundred and forty of the laws of nineteen hundred, is hereby amended to read as follows: Act amended.

§ 11. Any person who rides a bicycle on any sidepath in this state in violation of any of the sections of this act, or does any of the acts by the provisions of this law forbidden, is guilty of a misdemeanor, and shall be punishable by a fine of not less than five nor more than twenty-five dollars, and in case of failure to pay any fine that may be imposed, such person may be committed to jail not exceeding one day for each dollar of such fine. Violation of act.
The sheriff of any county, and all deputy sheriffs appointed by him, are authorized to do all the acts and perform all the duties with respect to violations of this act, that constables may do or perform; and shall be entitled to receive the same fees that constables receive for such services, to be audited and paid in the same manner that constables' fees for such services are audited and paid. Sheriff, duties of.

§ 2. This act shall take effect immediately.

Chap. 306.

AN ACT to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof," relative to village elections.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Section four of title two of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof," is hereby amended to read as follows:

Election of
officers.

§ 4. An election of the elective officers of said village shall be held annually, on the first Tuesday of March, at one o'clock in the afternoon and continue until seven o'clock of the same day, at such places, in each of said wards and in such districts therein, as shall be designated by said board of trustees; notice of which election shall be published for two consecutive weeks immediately preceding said election in two or more of the village newspapers.

Publication
of notice of
election.

§ 2. This act shall take effect immediately.

Chap. 307.

AN ACT to amend the charter of the village of Norwich in relation to street sprinkling.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Chapter three hundred and seventy-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Norwich, and to repeal certain acts or parts of acts" is hereby

amended by adding a new section to title nine of said charter as follows:

§ 10. Whenever a petition shall be presented to the board of trustees signed by a majority of the persons whose names appear on the last preceding assessment roll of said village, as having been assessed for taxes on such roll, on account of land which in fact constitutes in the aggregate a majority of the linear frontage of a paved or macadamized street, or of the portion of such street involved in said petition, exclusive of land occupied by street intersections or owned by any municipality or school district; or in case of the death of any such assessed person by his legal representative or in case of the sale of any such property, after such assessment, signed by the then owner of such property; praying that the board of trustees shall cause said street or a specified portion thereof to be sprinkled, the said board of trustees shall be authorized to pass a resolution providing for the sprinkling of said street or specified portion thereof; and they shall be authorized to enter into a contract for the sprinkling thereof and to provide for the payment of the expense thereby incurred, which shall be apportioned in the same manner as the expense of pavement is apportioned under title twelve of this charter, and said trustees are authorized to provide by general taxation for the payment of such proportion as shall be determined to be a village charge; and the amount which shall be determined to be a frontage charge shall be assessed against the owners of the property adjacent to such paved or macadamized street, and until paid shall be a lien and charge against such adjacent property and shall be levied and collected from such adjacent landowners in the same manner as other general village taxes are collected by law. Whenever a paved or macadamized street shall have been sprinkled under and pursuant to such a resolution theretofore duly passed by the said board of trustees they shall, on or before the first publication of the notice of the annual corporation election, by resolution apportion the expense of said sprinkling in the manner herein provided, and shall cause the amounts so determined to be assessed, levied and collected as herein provided.

Highways,
petition to
sprinkle.

Contract
for sprink-
ling.

Tax.

§ 2. This act shall take effect immediately.

Chap. 308.

AN ACT authorizing the town board of the town of Wilna, county of Jefferson, to divide such town into election districts.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election
districts,
increase of.

Section 1. The town board of the town of Wilna, county of Jefferson, shall, on or before the first day of July in the year nineteen hundred and two, increase the number of election districts in such town from four to five, and so alter or prescribe the boundaries of such election districts, as to most conveniently accommodate the electors residing therein. The inspectors of election and other election officers in the election districts in such town, the boundaries of which are unchanged by such town board, appointed pursuant to the election law, shall continue in office until the expiration of their respective terms. In those election districts whose boundaries are altered by the town board of such town as provided in this act, the inspectors of election and other election officers already appointed as provided in the election law shall perform the duties of their respective offices in the election district of which they are qualified electors, and the vacancies occurring in any of such offices because of the increase in the number of election districts in such town, or the alteration of the boundaries thereof, shall be filled as provided by section thirteen of the election law. The provisions of section eight of the election law, relating to the creation, division and alteration of election districts apply to such town, except so far as they are inconsistent herewith.

Election
officers,
duties of.

Election
law
applicable.

§ 2. This act shall take effect immediately.

Chap. 309.

AN ACT to provide a purchasing agent for the county of Monroe and to repeal certain existing provisions of law relative thereto.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be elected at the general election, to be held in the county of Monroe in November, nineteen hundred and two, and in each second year thereafter, a purchasing agent who shall take office on the first day of January next succeeding his election, and shall hold office for two years. He shall receive an annual salary of two thousand five hundred dollars payable as other county salaries are paid, and may employ a stenographer at the expense of the county at a salary of not to exceed five hundred dollars per year. On or before the first day of May, nineteen hundred and two, the county judge, the county treasurer and the chairman of the board of supervisors of said county shall appoint by a certificate in writing under their hands to be filed in the office of the clerk of said county, a purchasing agent, to serve until the first day of January, nineteen hundred and three, to be paid at the rate and to perform the duties herein provided. The county of Monroe shall provide an office for the purchasing agent and the necessary books and stationery therefor.

Purchasing agent, election for.

Term of office.
Salary.

Appointment of purchasing agent.

Office.

§ 2. The purchasing agent shall make all purchases, and all contracts for supplies, of every nature, for the county or for any county department, office, official, building or institution, or for which the county in any event may be liable. In case any such purchase or contract shall involve an expense exceeding fifty dollars, it shall be made from or let to the lowest bidder, who in case of a contract must give adequate security, if required, after public notice for at least three consecutive days in the official newspaper of the county.

Duties.

§ 3. All supplies furnished at the county's expense, except such as are delivered to the purchasing agent, shall be receipted for by the official, or the head of the department or office to which they are delivered, and such receipt shall accompany the

Supplies.
receipt for.

Requisi-
tions for
supplies.

sworn statement and bill when presented to the purchasing agent. No supplies shall be delivered except as specifically ordered by the purchasing agent. No supplies shall be delivered by the purchasing agent to any person, official, department, or institution, except on a requisition in writing from the county official desiring the same, or in charge of the department or institution for which the same are required.

Monthly
statement.

§ 4. The purchasing agent shall, upon the first day of each month, furnish to the board of supervisors a detailed statement, showing, up to a certain day of the preceding month, all purchases or contracts made by him, the quantity, price and total charge for each, and all supplies delivered and to what official, department or institution delivered. The board of supervisors shall not audit nor pay any bill for supplies unless it shall fully appear that said supplies were ordered by the purchasing agent, and a bill therefor duly sworn to be presented to the board by the purchasing agent endorsed with his approval. All requisitions received by the purchasing agent shall be filed in his office, and shall be open to the public under reasonable regulations for their safety and preservation.

Requisi-
tions,
where filed.

§ 5. Section seven of chapter six hundred and thirty-nine of the laws of nineteen hundred is hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 310.

AN ACT to authorize the trustees of the village of Honeoye Falls to raise money by tax for lighting the streets of said village.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Honeoye Falls shall annually for five years from the date of passage of this act, have power to raise, levy and collect by tax upon the taxable inhabitants and property in said village for the purpose of lighting the streets of said village by gas, a sum not to exceed six hundred dollars, in any one year.

§ 2. This act shall take effect immediately.

Chap. 311.

AN ACT to amend section one hundred and forty-five of the code of civil procedure.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-five of the code of civil procedure is hereby amended to read as follows:

§ 145. Jail liberties in certain counties.—The following are the liberties of the jail for each of the counties specified, to wit: For the city and county of New York the whole of that city and county; for the county of Onondaga, the whole of the city of Syracuse; for the county of Monroe, the whole of the city of Rochester; for the county of Erie, the whole of the city of Buffalo; for the county of Dutchess, the whole of the city of Poughkeepsie; for the county of Kings, the whole of that county; for the county of Albany, the whole of the city of Albany; for the county of Jefferson, the whole of the city of Watertown; for the county of Herkimer, the whole of the village of Herkimer; for the county of Rensselaer, the whole of the city of Troy; for the county of Niagara, the whole of the city of Lockport; for the county of Steuben, the whole of the village of Bath; for the county of Nassau, the whole of the town of Hempstead.

§ 2. This act shall take effect immediately.

Chap. 312.

AN ACT in relation to Beach avenue, Oak avenue and Woodbine avenue in the village of Larchmont, Westchester county, state of New York.

Became a law, April 2, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. None of the provisions of existing law nor any proceedings thereunder shall authorize the construction or opera-

Railways,
construc-
tion of
prohibited,
except, etc.

Consents,
where filed.

tion of a railway of any kind or nature, or any of the appliances or appurtenances of any railway upon Beach avenue, or upon Oak avenue, or upon Woodbine avenue in the village of Larchmont, Westchester county, New York, or upon any portion of either of said avenues, except upon the written consent of a majority of the owners of property in numbers and values thereof on said avenues respectively; which consents shall be duly signed and acknowledged as a deed entitled to be recorded, and filed in the office of the clerk of Westchester county. Nothing herein shall affect consents heretofore obtained or proceedings now pending.

Repeal.

§ 2. All acts or parts of acts, general or special, inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 313.

AN ACT to amend chapter two hundred and ninety-two of the laws of eighteen hundred and ninety-four, entitled "An act to consolidate the 'the Mohawk and Hudson river humane society' and 'the Mohawk and Hudson river humane society for the prevention of cruelty to animals,'" by consolidating therewith "the Rensselaer county society for the prevention of cruelty to children" and defining the powers of the consolidated corporation.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter two hundred and ninety-two of the laws of eighteen hundred and ninety-four, entitled "An act to consolidate the 'the Mohawk and Hudson river humane society' and 'the Mohawk and Hudson river humane society for the prevention of cruelty to animals,'" is hereby amended to read as follows:

Societies,
consolidated.

§ 1. The "Mohawk and Hudson river humane society," heretofore duly incorporated under and pursuant to chapter one hundred and thirty of the laws of eighteen hundred and seventy-five,

for the prevention of cruelty to children, and "the Mohawk and Hudson river humane society for the prevention of cruelty to animals," heretofore incorporated under and pursuant to chapter four hundred and ninety of the laws of eighteen hundred and eighty-eight, and the Rensselaer county society for the prevention of cruelty to children, heretofore incorporated under and pursuant to chapter one hundred and thirty of the laws of eighteen hundred and seventy-five, for the prevention of cruelty to children, are hereby consolidated and made one corporation under the name of "the Mohawk and Hudson river humane society."

Name of
new corporation.

§ 2. Section two of chapter two hundred and ninety-two of the laws of eighteen hundred and ninety-four is hereby amended to read as follows:

§ 2. All powers, rights, assets or liabilities belonging to or existing against either of said societies hereby consolidated at the time of the taking effect of this act shall remain in or continue against "the Mohawk and Hudson river humane society," and all existing contracts heretofore entered into by either of said societies, shall be carried out according to their terms by "the Mohawk and Hudson river humane society," which shall be liable for any breach thereof, and shall have the power of enforcing such contracts to the same extent as said consolidated societies or either of them might have done. "The Mohawk and Hudson river humane society" shall have the same power to act within the county of Rensselaer as if it had been incorporated under and pursuant to article five of the membership corporation law, chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, as the same has been amended, and its certificate of incorporation had been filed and the principal place for the transaction of its business had been located in the county of Rensselaer.

Powers,
rights, etc.

§ 3. This act shall take effect immediately.

Chap. 314.

AN ACT to authorize the trustees of the village of Phoenix, county of Oswego, to prevent further burials in the cemetery belonging to such village and providing for the removal of bodies therefrom.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Cemetery,
further
burials in,
prohibited.

Proposi-
tion to be
submitted
to electors.

Bodies, to
be removed.

Publication
of notice,
before
removal.

Section 1. The board of trustees of the village of Phoenix, county of Oswego, are hereby authorized to adopt a resolution preventing further burials in the cemetery situated in and belonging to such village. A proposition may be submitted to the electors of such village by such trustees, at an annual village election, or a special village election duly called for that purpose as provided by law, authorizing the raising by tax in such village of a sum of money to be stated therein to be expended in removing the bodies now buried in such village cemetery and in providing another suitable place for the burial of the bodies so removed. Such proposition shall be submitted and voted for in the same manner as other village propositions. If such proposition is adopted, such trustees shall cause the bodies of deceased persons in such cemetery to be removed to another cemetery in or near such village, and the expense thereof shall be a charge upon such village, unless the relatives of such deceased persons shall themselves provide for the removal of such bodies. Before such removal is made a notice shall be published once a week for three successive weeks in a newspaper published in such village to the effect that after a date specified therein such bodies will be removed from such cemetery and reinterred in another cemetery to be specified therein, unless prior to that date the relatives of the deceased persons whose bodies are to be so removed shall themselves provide for such removal and reinterment. After the removal of such bodies the land now occupied as a village cemetery shall be used for general village purposes, and may be conveyed or otherwise disposed of in the same manner as other village property.

§ 2. The deeds made on the fifteenth day of August, ^{Deeds, legalized.} eighteen hundred and ninety, by Charles E. Candee, Newton A. Hughes, Fred A. Cartter, C. E. Hutchinson and Charles F. Loomis, as trustees of the first Congregational church of Phoenix, New York, to Elmer A. Patchim, William H. Warner, A. P. Merrion and C. Kinslow, as trustees of the village of Phoenix, New York, and F. K. Avery, as president of said village, and a further deed made by the same grantors on the same date to Gouverneur M. Sweet, of the village of Phoenix, New York, are hereby legalized, ratified and confirmed, and shall be of the same force and effect as though the trustees of such church were fully authorized to execute such deeds.

§ 3. This act shall take effect immediately.

Chap. 315.

AN ACT to lay out, establish and regulate a public driveway in the city of Troy.

Accepted by the city.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Troy shall have the power to lay out and establish a public driveway in the city of Troy, and to take, hold and maintain the land and property necessary to lay out and establish said driveway, which said land and property shall be selected in the manner hereinafter provided. ^{Public driveway, power to establish.}

§ 2. The mayor of said city shall appoint five residents of the city of Troy, who when so appointed shall constitute a board of commissioners for the selection and purchase of a site for a public driveway in said city. Vacancies in the said board of commissioners may be filled by the mayor. A majority of such commissioners shall be sufficient for action. The said board shall have power to employ a stenographer, and the remuneration of such stenographer shall be a charge upon said city, and all bills for services rendered by such stenographer to the said board shall be audited by said board and certified by the chair- ^{Board of Commissioners, how appointed.} ^{Vacancies.} ^{Power of board.}

man of said board to the comptroller of the city of Troy, who after examination thereof shall countersign the same for payment in the same manner as other claims against the city. The said commissioners shall receive no pay, compensation or remuneration for services rendered as such commissioners.

City
engineer
to make
estimates,
maps, etc.

§ 3. The city engineer of the city of Troy shall under and by the direction of the said board make such estimates, maps, plans or profiles of the said driveway as the said board shall from time to time request, showing the location, width, course, windings and grade of such driveway, which maps, plans and profiles shall be certified by the chairman of the said board of commissioners, and shall be filed, one to remain in the office of the commissioner of public works of the city of Troy, and one in the office of the comptroller of the said city. After the filing of said maps, plans and profiles the said board shall determine as to the time and place of the first hearing, and shall give at least five days notice of the first hearing by publishing the same in the official newspapers of the city of Troy, at which hearing all citizens and persons interested in the laying out and establishing of said driveway and the lands to be taken therefor shall be heard by said board, and the said board may adjourn such hearings from time to time, as the public interests may require.

Maps, etc.,
where filed.

Hearing,
publication
of notice
for.

Board to
select a site.

§ 4. The said board shall select a site for a public driveway in the city of Troy which shall be of such dimensions and location as it may deem proper, and shall make in writing and file in the office of the mayor of the city of Troy a report of its findings and conclusions, which shall describe the location, width, course, windings and grade of said driveway, and all real estate to be acquired, taken and condemned for such public use.

Report.

Proceed-
ings to
acquire
lands.

§ 5. Within ten days after the making and filing of such report with the mayor, it shall be the duty of said board forthwith to negotiate in behalf of the said city for the purchase of the lands and premises described in said report to be used in laying out and establishing said driveway. And the said commissioners may accept and receive from the owners of the lands required for the establishment of said driveway deeds of the lands and property rights, and may upon proper terms purchase all other lands and premises described in the said report as a site for said driveway, but no deed or conveyance of any land shall be received by said board until said deed or conveyance shall

Title, to be
certified to
by corpora-
tion coun-
sel.

have been certified to by the corporation counsel that the same conveys a good and sufficient title to the land therein described.

§ 6. If the said board cannot make satisfactory terms with the owners of the said property, or for any other reason do not conclude the purchase thereof within sixty days after the report of the said board has been filed in the office of the mayor, it shall be the duty of the corporation counsel of the city of Troy, upon the written request from said board, to take the necessary means and proceedings to acquire title on behalf of the city of Troy in and to all such real estate not owned by the city, or any right, title or interest therein not extinguishable by public authority which shall be embraced within the lines of the driveway as laid out and established by the said board, and except as provided in this act, all provisions of law relating to the taking of private property for public streets or places in said city are hereby made applicable so far as the same may be necessary for the acquiring of any land, property rights, terms, easements and privileges which it shall be necessary to acquire for the purposes of this act.

Proceed-
ings to
acquire
title, when
board can-
not make
satisfactory
terms with
owners of
property.

§ 7. After the title to such real estate described in the preceding sections has been acquired, the board of contract and supply of the city of Troy shall forthwith proceed to let contracts for laying out, establishing, opening and grading said driveway, upon the plans and specifications therefor as shall have been prepared by the city engineer under and by the direction of the said board of commissioners, and all work necessary to be done shall be let by contract and awarded in the same manner that contracts are awarded for other public works in said city. When the necessary work shall have been completed and the said driveway laid out and established, it shall be the duty of the city of Troy by its proper officers to keep and maintain said driveway in as good a condition as the purposes of said driveway may require.

Contracts
for laying
out, etc.

Mainte-
nance of
driveway.

§ 8. For the purpose of purchasing and paying for the real estate referred to in this act and the awards and compensation which may be made, and the expenses of the proceedings of designating, selecting and acquiring possession thereof as herein authorized, and the expense of laying out, grading, draining and establishing said driveway, and to meet such other expenses as may be necessary to be incurred in carrying out the purposes of

City
authorized
to borrow
money.

Bonds,
issue of.

Bonds,
by whom
signed.

Interest,
rate, and
when pay-
able.

Tax levy.

Annual
provision
for main-
tenance.

Restric-
tions.

this act, the city of Troy is hereby authorized and directed to borrow the necessary moneys therefor, not exceeding the sum of fifty thousand dollars, and to issue its bonds for the purpose of borrowing such moneys and of repaying the amount so borrowed to the lender or lenders thereof. Such bonds shall be issued at such times and in such amounts, not exceeding in the aggregate the sum of fifty thousand dollars, as the common council of said city may direct, and the proceeds thereof and of any premiums received thereon shall be used for the purposes authorized by this act and with respect to such public driveway. Such bonds shall be signed by the mayor and the city treasurer and countersigned by the comptroller, and the corporate seal of said city shall be attached thereto. They shall bear interest not exceeding four per centum per annum, which shall be paid semi-annually; and the times of payment of the respective bonds shall be so arranged that an equal number thereof shall be payable in each year so far as the same may be practicable, commencing in the second year after their issue, so that the whole amount thereof shall be paid at the expiration of twenty years from the date of their issue. Such bonds shall be known as the public driveway bonds of the city of Troy. There shall be inserted in the city tax budget each year and raised by tax upon the real and personal property within said city liable to taxation such sums as may be necessary to pay the bonds maturing each year, as well as the interest upon all bonds authorized to be issued by this act.

§ 9. The board of estimate and apportionment and the common council of the city of Troy shall annually provide all reasonable sums which may be necessary for the maintenance of said public driveway, and the same shall be raised by tax in the same manner as other expenses of the city government are levied and raised.

§ 10. No portion of the said driveway shall be used for any other purpose than for riding by equestrians and driving of carriages, and all trucks, carts, and vehicles of all kinds for the transportation of merchandise or freight of any description, or the carrying of passengers, shall be excluded therefrom. No street surface or other railway shall be laid down on said driveway or any portion thereof. In addition to the restrictions herein contained, the common council of the city of Troy may by

ordinance make such other rules and regulations as it may deem advisable for the use of said driveway, and as to the speed of riders and drivers thereon, and as to the exclusion therefrom of any kind of vehicles, the use of which may injure such driveway or render the same unfit or inconvenient for the purposes thereof. Rules and regulations, etc.

§ 11. All acts or parts of acts inconsistent with or repugnant to the provisions of this act are to that extent hereby repealed, so far as the same relate to the city of Troy. Repeal.

§ 12. This act shall take effect immediately.

Chap. 316.

AN ACT to amend the consolidated school law, relating to the apportionment of the free school fund.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of article one of title two of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four entitled "An act to revise, amend and consolidate the general acts relating to public instruction" is hereby amended to read as follows: Consolidated school law amended.

§ 5. He shall apportion and set apart from the free school fund appropriated therefor the amounts required to pay the annual salaries of the school commissioners elected or elective under this act, to be drawn out of the treasury and paid to the several commissioners as hereinafter provided. Said superintendent shall make no allotment to any city or district for the expense of a superintendent unless satisfied that such city, village or district, employs a competent person as superintendent whose time is exclusively devoted to the general supervision of the public schools of said city, village or district; nor shall he make any allotment to any district in the first instance without first causing an enumeration of the inhabitants thereof to be made, which shall show the population thereof to be at least five thousand, the expense of which enumeration, as certified by said state superintendent, shall be paid For pay of school commissioners.

Cities, villages and district employing superintendents.

Enumeration of inhabitants in the first instance.

Library
moneys.Division of
remainder.Contingent
fund.Apportion-
ment of
district
quota.Quota
for each
qualified
teacher.Apportion-
ment to
counties.

by the district in whose interest it is made. He shall then set apart, from the income of the United States deposit fund, for and as library moneys, such sums as the legislature shall appropriate for that purpose. After deducting the said amounts he shall divide and apportion the remainder of the state school moneys as hereinafter specified. To each city, eight hundred dollars. To each village which has a population of five thousand as shown by the last state census, or federal or village enumeration, and which employs a superintendent of schools, eight hundred dollars. To each union school district which has a population of five thousand, and which employs a superintendent of schools, eight hundred dollars. An appropriation under either of the first three subdivisions hereof is known as a supervision quota. He shall set apart for a contingent fund not more than ten thousand dollars.

§ 2. Section six of article one of title two of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four is hereby amended to read as follows:

§ 6. From the remainder he shall apportion;

1. To each district having an assessed valuation of forty thousand dollars or less, as appears by the report of the trustees upon which such apportionment is based, one hundred and fifty dollars; and to each of the remaining districts, and to each of the cities in the state, one hundred and twenty-five dollars. The apportionment provided for by this subdivision shall be known as a district quota.

2. To each such district or city for each additional qualified teacher and his successors by whom the common school has been taught, during the period of time required by the school law, and to each Indian reservation for each teacher employed therein for a like period, one hundred dollars; but pupils employed as monitors or otherwise, shall not be deemed teachers. The apportionment provided for by this subdivision shall be known as a teacher's quota.

3. The remainder to the several counties according to their respective population by a ratio to be ascertained by dividing such remainder by the population of the state as shown by the last federal census or state enumeration; except that for the purpose of this apportionment the city of New York shall be con-

sidered one county. But as to counties in which are situated cities whose boundary lines are coterminous with the school district lines comprising said city, he shall apportion to such city the part to which it shall so appear entitled, and to the residue of the county the part to which it shall appear to be so entitled.

To entitle a district to a district quota, a qualified teacher or successive qualified teachers must have actually taught the common school of the district for at least one hundred and sixty days of school, inclusive of legal holidays that may occur during the term of said schools and exclusive of Saturdays. No Saturday shall be counted as part of said one hundred and sixty days of school and no school shall be in session on a legal holiday, except Washington's birthday and Lincoln's birthday. A deficiency not exceeding three weeks during any school year caused by a teacher's attendance upon a teachers' institute within a county, shall be excused by the superintendent of public instruction.

School term.

Teachers' attendance at institute excused.

§ 3. This act shall take effect immediately.

Chap. 317.

AN ACT to amend the forest, fish and game law, relative to close season, for woodcock and grouse.

Became a law, April 2, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-three, chapter twenty, of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws", as amended by chapter six hundred and one of the laws of nineteen hundred, is hereby amended so as to read as follows:

Game law amended.

§ 23. Woodcock; close season.—Woodcock shall not be taken from December first to September fifteenth, both inclusive. No person shall take more than thirty-six woodcock in open season.

§ 2. Section twenty-five, of said act, as amended by chapter six hundred and one of the laws of nineteen hundred, is hereby amended so as to read as follows:

§ 25. Grouse; close season.—The close season for grouse shall be from December first to September fifteenth, both inclusive. No person shall take more than thirty-six grouse in an open season.

§ 3. Section twenty-eight of said act is hereby amended so as to read as follows:

§ 28. Woodcock, grouse and quail, not to be possessed.—Woodcock, grouse and quail, shall not be sold or possessed during the close season, except in the month of December, and possession or sale thereof during December, shall be presumptive evidence that they were unlawfully taken by the possessor.

§ 4. This act shall take effect immediately.

Chap. 318.

AN ACT to amend section twelve hundred and fifty-one of the code of civil procedure, relative to the lien or charge of a judgment upon real property.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code of
civil pro-
cedure
amended.

Section 1. Section twelve hundred and fifty-one of the code of civil procedure is hereby amended to read as follows:

§ 1251. Real property bound for ten years by a judgment thus docketed; judgments against persons sued by a fictitious name.—Except as otherwise specially prescribed by law, a judgment, hereafter rendered, which is docketed in a county clerk's office, as prescribed in this article, binds, and is a charge upon, for ten years after filing the judgment roll, and no longer, the real property and chattels real, in that county, which the judgment debtor has, at the time of so docketing it, or which he acquires at any time afterwards, and within the ten years, except that any judgment rendered having the name or any part of the name of

the judgment debtor designated as fictitious, shall not bind or be a charge upon the real property or chattels real of any person. A judgment having the name or any part of the name of a judgment debtor designated as fictitious may be amended at any time within ten years after the docketing thereof, by inserting the true name of said judgment debtor, upon such notice to him as the court may direct; and such judgment shall thereafter be a lien upon the real property and chattels real which the judgment debtor then has or may thereafter acquire, but not for a longer period than ten years after the original docketing of such judgment.

§ 2. This act shall take effect September first, nineteen hundred and two.

Chap. 319.

AN ACT in relation to interpreters for the several courts in the county of Queens.

Became a law, April 2, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within sixty days after the passage of this act it shall be the duty of a justice of the supreme court resident in Queens county and the county judge of said county to meet at the court house in said county of Queens and designate two interpreters who shall act and be the court interpreters for said county of Queens. Each of the interpreters shall receive a salary of twelve hundred dollars per year, which shall be a charge upon the county of Queens, to be paid monthly, in the same manner that other county officials are paid. Each interpreter so appointed shall, before entering upon his duties, file in the office of the clerk of the county of Queens the constitutional oath of office.

Interpreters, how designated.

Salary.

Official oath.

§ 2. This act shall take effect immediately.

Chap. 320.

AN ACT to amend the town law in relation to the compensation of town officers.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town law
amended.

Section 1. Section one hundred and seventy-eight of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter two hundred and fifty-two of the laws of eighteen hundred and ninety-seven, and as amended by chapter two hundred and ninety-two of the laws of nineteen hundred, is hereby amended to read as follows:

§ 178. Compensation of town officers.—Town officers shall be entitled to compensation at the following rates for each day actually and necessarily devoted by them to the service of the town in the duties of their respective offices, when no fee is allowed by law for the service, as follows:

1. The supervisor, except when attending the board of supervisors, town clerks, assessors, commissioners of highways, justices of the peace and overseers of the poor, each, two dollars per day, except that in any town where the assessed valuation of real estate is over twenty million dollars, the town board of such town may determine by resolution that the assessors shall receive each year a salary of not exceeding one thousand dollars in lieu of the per diem compensation hereinbefore provided for, except that in the county of Monroe, assessors shall be entitled to three dollars per day, and also, except that in the county of Nassau assessors and commissioners of highways shall be entitled to three dollars per day, and the town boards of the towns of and in said county of Nassau, having a population, as appears by the last federal census, of seventeen thousand inhabitants, or more, are hereby authorized and empowered to fix an annual compensation for the assessors and commissioners of highways of said towns, not to exceed twelve hun-

dred dollars per annum each, and to provide for the payment of said compensation, in quarterly installments.

2. If a different rate is not otherwise established as herein provided, each inspector of election, ballot clerk and poll clerk is entitled to two dollars per day; but the board of supervisors may establish in their county a higher rate, not exceeding six dollars per day.

§ 2. This act shall take effect immediately.

Chap. 321.

AN ACT to amend the highway law relating to bridges.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred thirty of chapter five hundred sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter four hundred and sixteen of the laws of eighteen hundred and ninety-five" is hereby amended to read as follows: Highway law amended.

§ 130. The towns of this state, except as otherwise herein provided, shall be liable to pay the expenses for the construction and repair of its public free bridges constructed over streams or other water within their bounds, and their just and equitable share of such expenses when so constructed over streams or other waters upon their boundaries, except between the counties of Westchester and New York; and when such bridges are constructed over streams or other waters forming the boundary line of towns, either in the same or adjoining counties, such towns shall be jointly liable to pay such expenses. When such bridges are constructed over streams or other waters forming the boundary line between a city of the third class and a town, such city and town shall be liable each to pay its just and equitable share of the expenses for the construction, maintenance and repair of such bridges. Except as otherwise provided by law, a city of the third class shall be deemed a town for the purposes of this article. Each of the Liability of towns for construction and care of bridges.

Liability of counties.

counties of this state shall also be liable to pay for the construction, care, maintenance, preservation and repair of public bridges, lawfully constructed over streams or other waters forming its boundary line, not less than one-sixth part of the expenses of such construction, care, maintenance, preservation and repair.

§ 2. This act shall take effect immediately.

Chap. 322.

AN ACT to legalize the bonds of union free school district number nine, of the town of Hempstead, in the county of Nassau.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceed-
ings of
special
district
meeting,
legalized.

Section 1. The proceedings of the special district meeting held pursuant to the provisions of section ten of title eight of the consolidated school law, in union free school district number nine, of the town of Hempstead in the county of Nassau, on February fourteenth, nineteen hundred and two, whereat a majority of the qualified voters of said district present and voting, did authorize the levying of a tax of twenty-five thousand dollars by installments upon the taxable property of said district, for the purpose of paying for an addition to the school building of said district, and the proceedings of the board of education in advertising for bids and issuing the bonds of said district in pursuance of said vote, are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity in the language, or the manner of taking the vote on the passage of the resolution directing said tax to be levied and collected by installments, advertising for the sale of said bonds or otherwise; and the bonds of said district issued by the board of education thereof in pursuance of said special district meeting and the proceedings of said board, amounting to the sum of twenty-five thousand dollars being twenty-five in number for one thousand dollars each, to be dated April first, nineteen hundred and

Bonds,
declared
valid.

two, one bond to mature on January first, nineteen hundred and ten, and two bonds to mature on the first of January in each year succeeding the year nineteen hundred and ten, until the whole amount has been paid, with interest at the rate of four per centum per annum, payable semi-annually, are hereby declared to be valid and subsisting obligations of said school district.

§ 2. The board of education of said union free school district Tax levy number nine, in the manner provided in article seven of title seven of the consolidated school law, shall cause such taxes to be levied and collected as may be necessary to pay the installments and interest of said bonds as they shall become due, until said bonds and the interest thereon are fully paid.

§ 3. This act shall take effect immediately.

Chap. 323.

AN ACT to amend the highway law, compelling the opening of obstructed highways.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-one of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled Highway law amended "An act in relation to highways, constituting chapter nineteen of the general laws," is hereby amended to read as follows:

§ 21. Opening obstructed highways.—Whenever the labor in any district has been worked out, commuted for, or returned to the supervisor, or in those towns that have adopted the money system of taxation for working the highway the money received has been entirely expended, and the highways are obstructed by snow, and notice has been given to the overseer or highway commissioner, in writing, by any two or more inhabitants of the town, liable to payment of highway tax, requesting the removal of such obstruction, the overseer of highways in such district or the highway commissioner of the town shall immediately call upon all persons and corporations liable to highway tax therein, or in the locality where such obstruction exists,

to assist in removing such obstructions and such labor so called for by the overseer or highway commissioner shall be assessed upon those liable to perform the same, or in the locality where such obstruction exists, in proportion to their original assessments. And all persons so called out and failing to appear at the place designated by the overseer or the commissioner of highways, or to commute at a dollar a day, within twenty-four hours after due notice, shall be liable to a fine at the rate of one dollar and fifty cents a day for each day's labor they may be required to perform, which fine shall be collectible by the overseer, or highway commissioner, as such, by action in justice's court, and shall be applied to the purposes specified in this section. The overseer and highway commissioner shall be liable to a penalty of five dollars per day, for every day he neglects, without good and sufficient reasons, to have such highway opened without delay after receiving such written notice, the penalty to be collected in justice's court to the person first suing for the same, and the penalty shall be paid over to the commissioner of highways for the use of the town.

§ 2. This act shall take effect immediately.

Chap. 324.

AN ACT to amend the tax law, in relation to the time of making assessment.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax law
amended.

Section 1. Section twenty of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter five hundred and twelve of the laws of nineteen hundred, is hereby amended to read as follows:

§ 20. **Ascertaining facts for assessment.**—The assessors in each tax district may, by mutual agreement, divide it into convenient assessment districts not exceeding the number of such

assessors. The assessors in each tax district shall annually between May first and July first, ascertain by diligent inquiry all the property and the names of all the persons taxable therein, except that in towns containing an incorporated village having a population of more than ten thousand inhabitants according to the last state census the assessors may have from April fifteenth until July first to ascertain the taxable property and names of persons taxable in such town, and except that in towns containing an incorporated city having a population of more than ten thousand inhabitants according to the last state census the assessors may have from March first to July first to ascertain the taxable property and names of persons taxable in such towns.

§ 2. This act shall take effect immediately.

Chap. 325.

AN ACT to amend the consolidated school law, in relation to an academy as the academic department of a union free school district.

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, entitled "An act to revise, amend and consolidate the general acts relating to public instruction," is hereby amended by inserting in title eight, article four, after section twenty-seven thereof, a new section to be numbered twenty-seven-a, to read as follows:

School law amended.

§ 27-a. The board of education of a union free school district, with the approval of the superintendent of public instruction, and the regents of the university, may adopt an academy as the academic department thereof, and contract for the instruction therein of pupils of academic grade, residing in the district. The academy thereupon becomes the academic department of such union free school, and the district is entitled to the same rights and privileges, is subject to the same duties,

Adoption of academies.

and the apportionment and distribution of state school money shall be made to it, as if an academic department had been established in such school.

§ 2. This act shall take effect immediately.

Chap. 326.

AN ACT to amend chapter one hundred and twenty-eight of the laws of eighteen hundred and eighty-eight, entitled "An act to extend and define the powers of the trustees of Hamilton college in regard to the investment of its funds."

Became a law, April 2, 1902, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter one hundred and twenty-eight of the laws of eighteen hundred and eighty-eight, entitled "An act to extend and define the powers of the trustees of Hamilton college in regard to the investment of its funds" is hereby amended so as to read as follows:

Board of
trustees
authorized
to invest
funds in
certain
securities.

§ 1. The board of trustees of Hamilton college is hereby authorized, in addition to any mode of investment now authorized by law, to invest the funds of said college in its discretion in any of the securities hereinafter named, namely: In the stocks and bonds or other interest-bearing obligations, of any state in the union that has not, within ten years previous to making such investment, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislation of such state to be contracted; in the stocks and bonds of any city of this state, issued pursuant to the authority of any law of this state; in bonds and mortgages on unincumbered real estate situate in any of the following named states, namely: New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Indiana, Illinois, Missouri, Kansas, Nebraska and worth at least twice the amount loaned thereon; and in the same securities and investments in which trust companies in the state of New York are authorized to invest the moneys received by them in trust.

§ 2. This act shall take effect immediately.

T A B L E
OF
GENERAL LAWS AND SECTIONS OF THE CODES
AMENDED OR REPEALED BY THE
LAWS OF 1901.

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OF

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Syracuse	1892	509	Police pensions, § 1, sub. 8, § 8	537	1280
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